

Figure 11. Fragmented forest plots and Cerulean Warbler territories in 2001 and 2002 at the Hobet Mine.

39

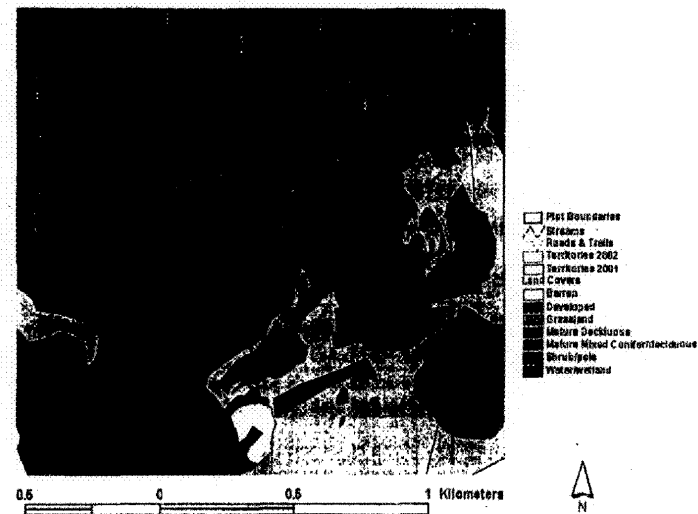


Figure 12. Intact forest plots and Cerulean Warbler territories in 2001 and 2002 at the Cannelton Mine.

40

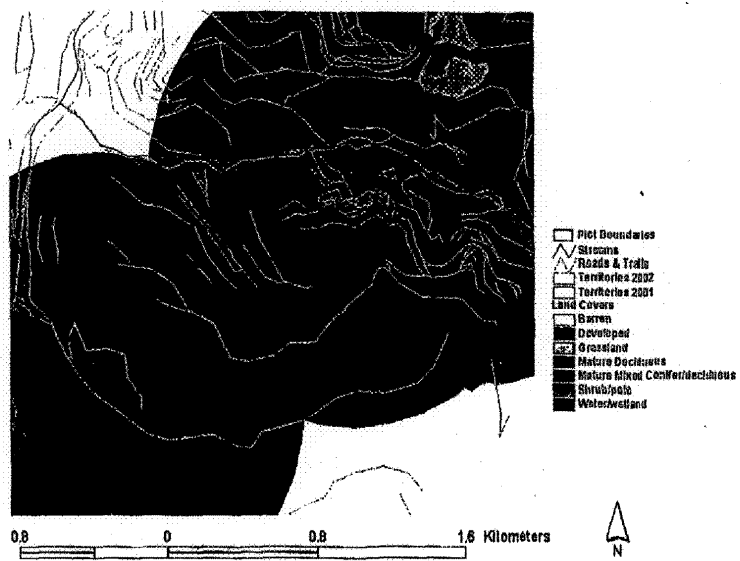


Figure 13. Intact forest plots and Cerulean Warbler territories in 2001 and 2002 at the Daltex Mine.

41

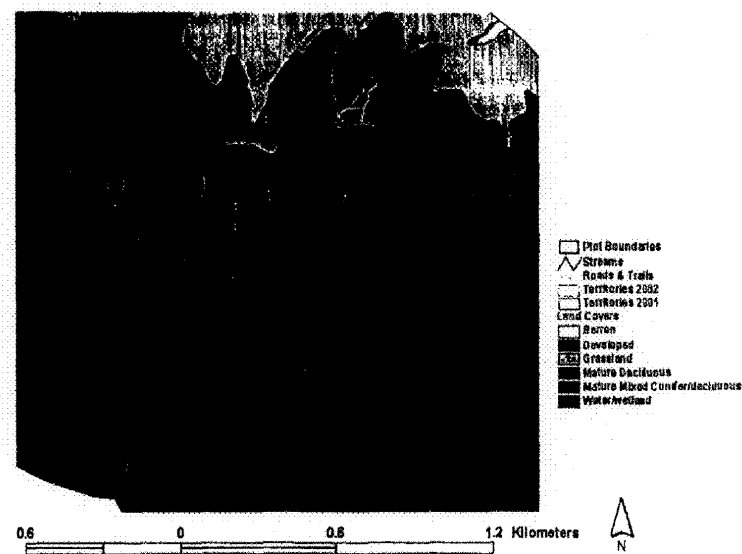


Figure 14. Intact forest plots and Cerulean Warbler territories in 2001 and 2002 at the Hobet Mine.

42

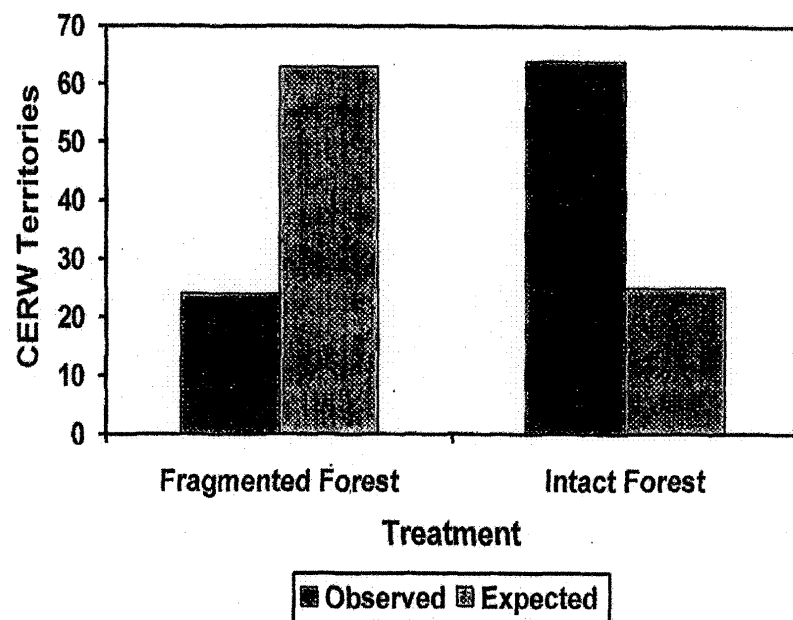


Figure 15. Observed and expected number of Cerulean Warbler (CERW) territories per 10 ha in forests fragmented by MTMVF mining and in intact forests in southern West Virginia 2000-2001. Expected number of territories are based on the amount of available habitat.

43

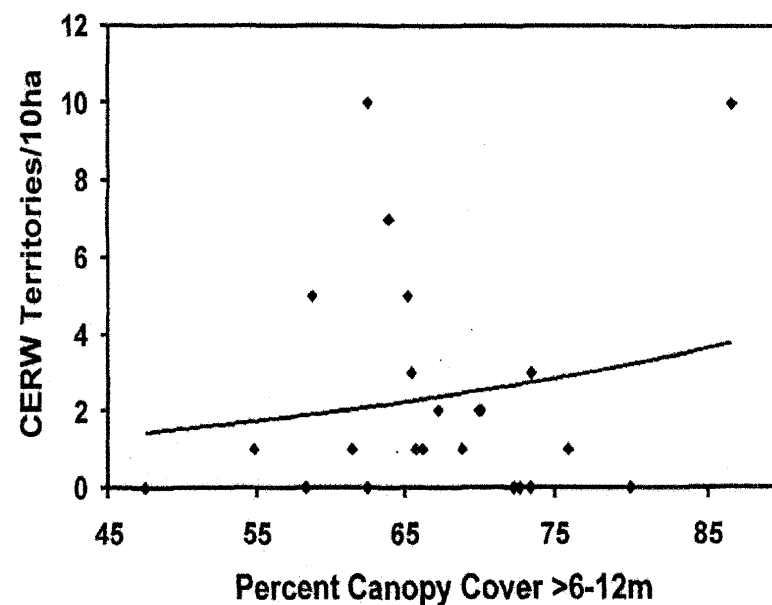


Figure 16. Relationship between Cerulean Warbler (CERW) territory density and percent canopy cover >6-12m.

44

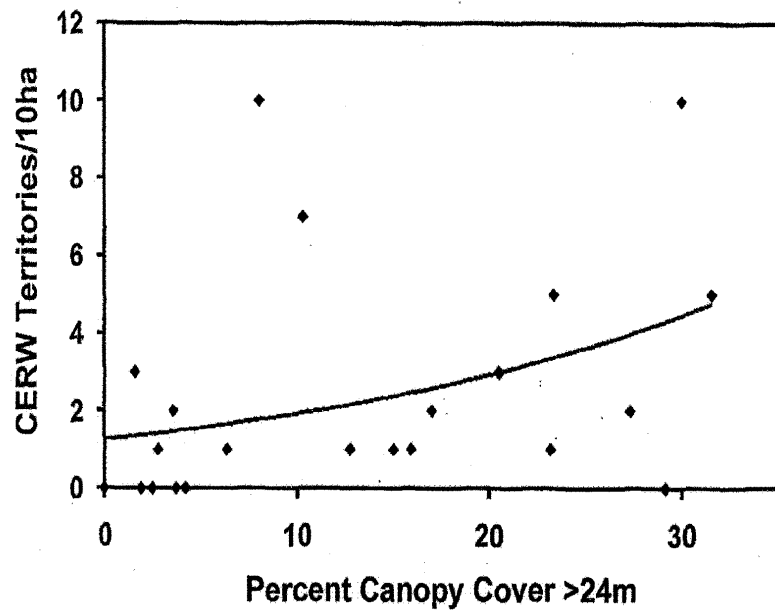


Figure 17. Relationship between Cerulean Warbler (CERW) territory density and percent canopy cover >24m.

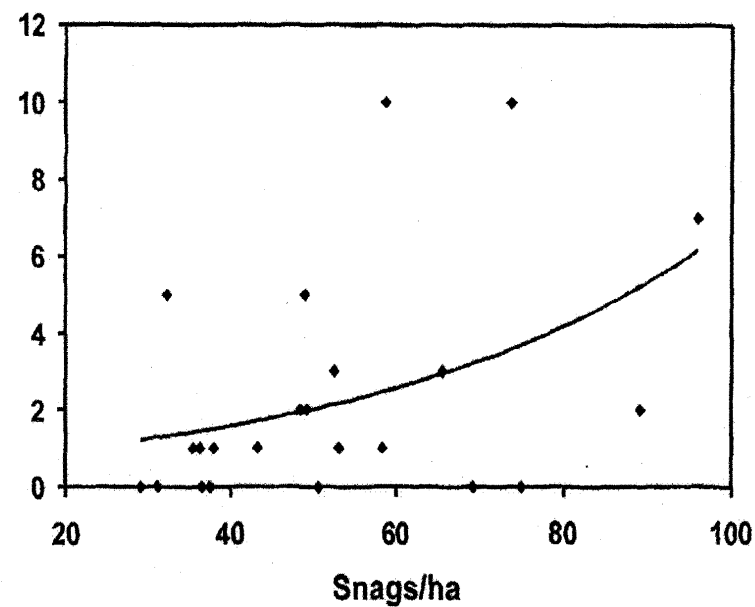


Figure 18. Relationship between Cerulean Warbler (CERW) territory density and snag density (standing dead trees >8 cm dbh).

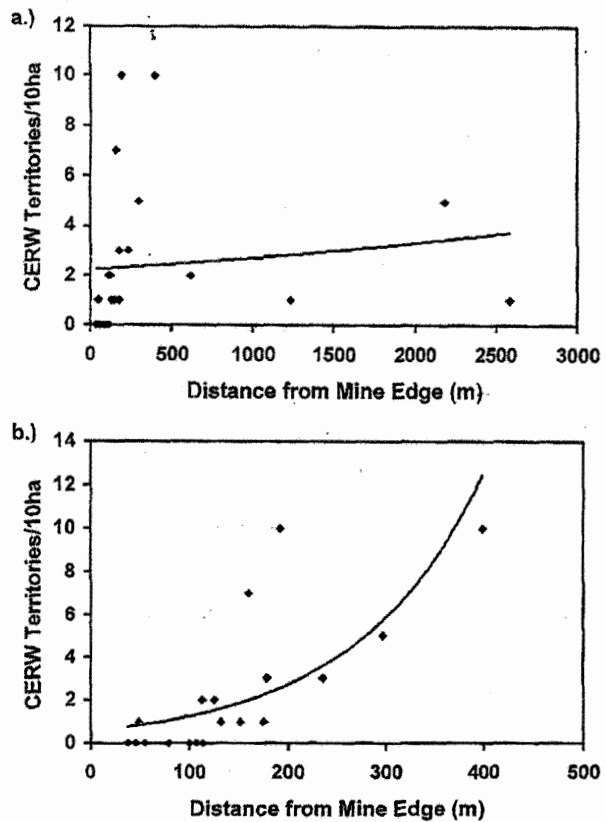


Figure 19. Relationship between Cerulean Warbler (CERW) territory density and distance from mine edge at a) all distances, and b) distances <500m.

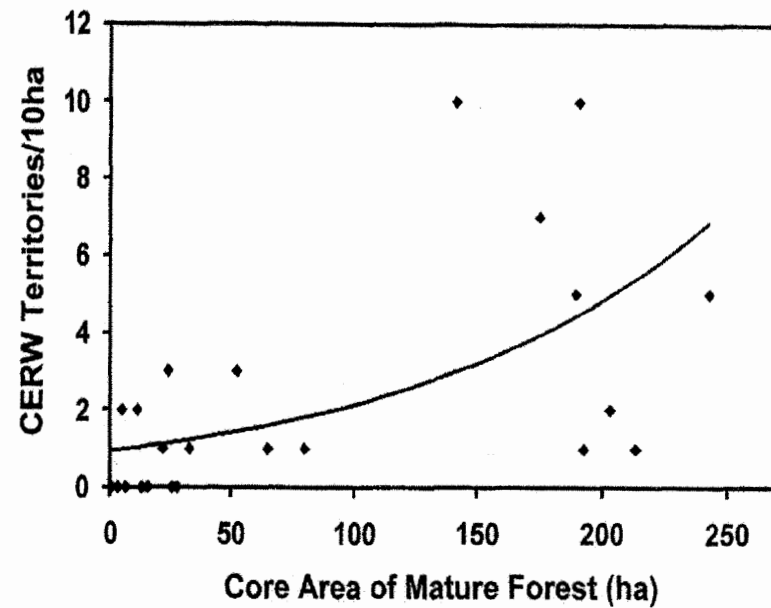


Figure 20. Relationship between Cerulean Warbler (CERW) territory density and core area of forest (forest >100m from an edge).

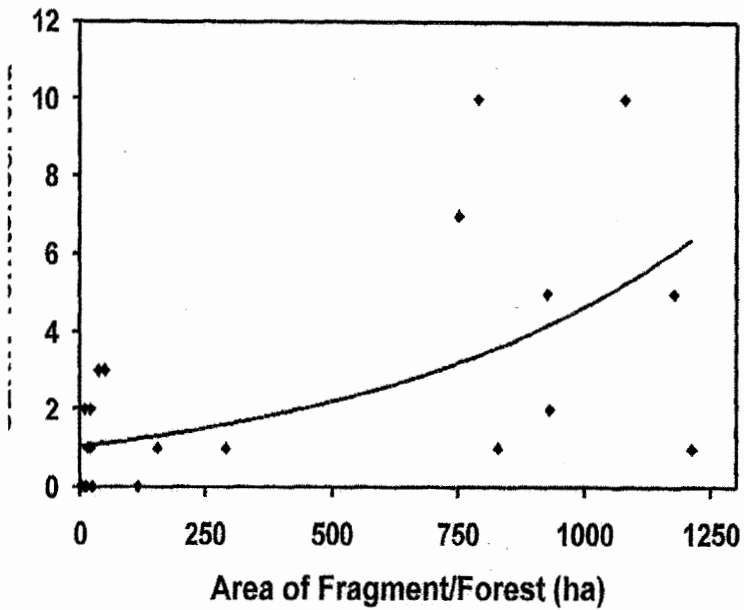


Figure 21. Relationship between Cerulean Warbler (CERW) territory density and area of forest fragment or area of continuous forest within 2-km of plot centers.

49

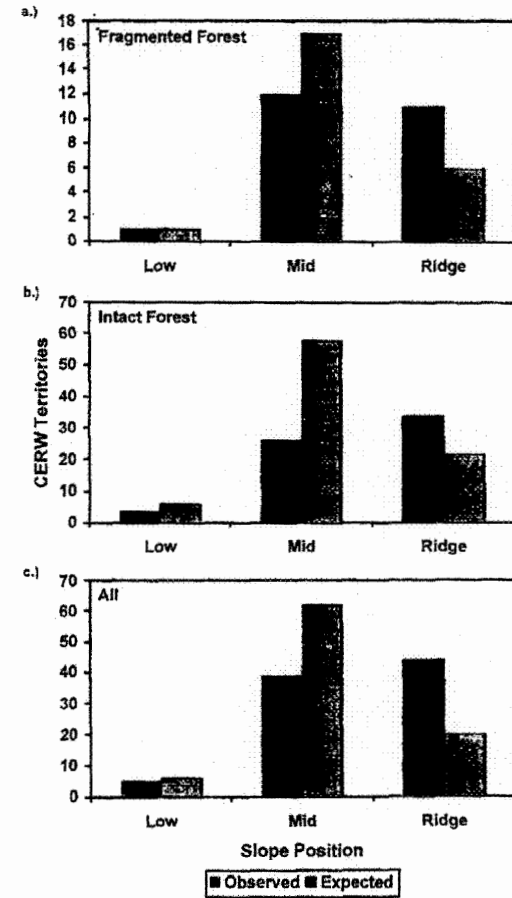


Figure 22. Observed and expected number of Cerulean Warbler (CERW) territories relative to slope position in a) fragmented, b) intact, and c) both fragmented and intact forests combined in southern West Virginia. Expected territories are based on the amount of available habitat.

50

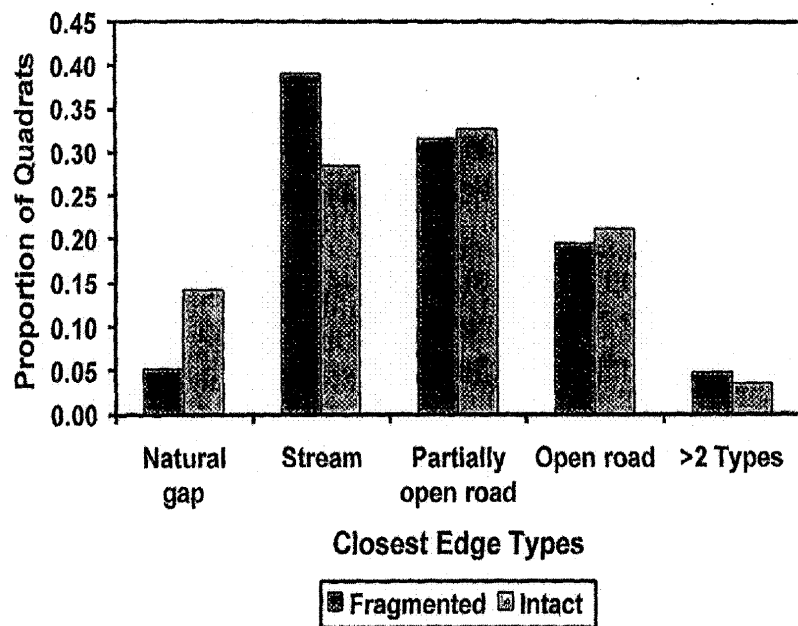


Figure 23. Distribution of closest edge types in forests fragmented by MTMVF mining and intact forests in southern West Virginia.

Appendix 1. Contrasts and weights used to calculate the contrast-weighted edge density^a.

Ecotone Contrasts	Weight
Mature Deciduous - Mature Mixed Conifer/Deciduous	0.00
Mature Deciduous - Grassland	1.00
Mature Deciduous - Barren	1.00
Mature Deciduous - Shrub/pole	0.50
Mature Deciduous - Water/wetland	0.25
Mature Deciduous - Developed	1.00
Mature Mixed Conifer/Deciduous - Grassland	1.00
Mature Mixed Conifer/Deciduous - Barren	1.00
Mature Mixed Conifer/Deciduous - Shrub/pole	0.50
Mature Mixed Conifer/Deciduous - Water/wetland	0.25
Mature Mixed Conifer/Deciduous - Developed	1.00
Grassland - Barren	0.25
Grassland - Shrub/pole	0.50
Grassland - Water/wetland	0.25
Grassland - Developed	0.25
Barren - Shrub/pole	0.75
Barren - Water/wetland	0.25
Barren - Developed	0.00
Shrub/pole - Water/wetland	0.25
Shrub/pole - Developed	0.75
Water/wetland - Developed	0.25

^a Edge is the sum of the perimeters of all habitat patches. Edge density (m/ha) is amount of edge relative to the landscape area. Contrast-weighted edge density allows edges of different types to contribute varying amounts to this metric. Weights represent the magnitude of contrast between adjacent habitat patches. Ecotones were given weights relative to differences in vegetation structure.

Appendix 2. Means and standard errors of microhabitat variables at territory centers in fragmented (n=23) and intact forest (n=62) and at non-use subplots (fragmented=272, intact=140)

Variables	Territories						Non-use Subplots						Combined					
	Fragmented			Intact			Fragmented			Intact			Territories			Non-use		
	Mean	SE	Mean	SE	Mean	SE	Mean	SE	Mean	SE	Mean	SE	Mean	SE	Mean	SE	Mean	SE
Aspect Code	1.0	0.1	1.5	0.1	1.0	0.0	1.1	0.1	1.4	0.1	1.0	0.0						
Slope (%)	38.4	4.9	47.7	2.1	38.6	1.3	44.7	2.1	45.0	2.1	40.7	1.1						
Distance to closest edge (m)	22.6	6.3	33.2	4.1	38.4	2.5	29.5	2.8	30.2	3.4	35.4	1.9						
Average canopy height (m)	18.5	1.0	17.6	0.4	19.8	0.3	18.5	0.4	17.9	0.4	19.4	0.2						
Percent Canopy Cover:																		
>0.5-3 m	34.8	5.1	34.8	2.9	45.1	1.5	37.3	1.8	34.8	2.5	42.4	1.2						
>3-6 m	59.3	6.0	53.6	3.1	64.6	1.4	57.6	2.1	54.6	2.8	62.2	1.2						
>6-12 m	66.5	4.4	68.6	2.6	68.7	1.3	64.5	1.7	67.5	2.2	67.3	1.0						
>12-18 m	69.8	5.1	62.7	2.7	61.5	1.5	61.3	1.8	64.4	2.4	61.4	1.1						
>18-24 m	46.1	6.5	45.2	3.2	36.2	1.8	46.2	2.0	45.7	2.9	39.6	1.4						
>24 m	8.7	3.2	19.0	3.0	11.3	1.3	17.9	1.8	16.8	2.4	13.5	1.1						
Stem Densities (no./ha):																		
<2.5 cm	9462.0	2725.9	6633.2	615.7	6204.5	451.6	6797.9	508.2	7389.7	863.9	6407.1	343.9						
2.5-8 cm	809.8	97.8	698.8	60.8	852.0	37.1	859.0	57.7	722.1	51.6	854.4	31.3						
>8-23 cm	3315.2	241.6	3438.5	177.6	403.4	13.6	343.1	13.5	338.5	14.4	382.8	10.1						
>23-38 cm	1065.2	118.9	954.9	93.3	96.4	3.7	97.7	4.7	101.5	7.5	96.9	2.9						
>38 cm	413.0	78.0	532.8	55.2	41.5	2.1	47.2	3.7	49.7	4.6	43.4	1.9						
Siggs >8 cm	630.4	84.5	586.1	75.4	48.9	2.8	49.3	4.7	59.7	5.9	49.0	2.4						

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Appendix 3. Means and standard errors of microhabitat and landscape variables in fragmented forests (n=15) and intact forest (n=8) in southern West Virginia.

Variables	Fragmented Forest		Intact Forest	
	Mean	SE	Mean	SE
Microhabitat				
Aspect Code	0.9	0.1	1.2	1.3
Slope (%)	41.5	2.8	45.6	5.1
Distance to closest edge (m)	35.3	4.3	28.8	4.8
Average canopy height (m)	19.6	0.6	18.1	2.2
Percent Canopy Cover:				
>0.5-3m	41.4	3.5	35.5	6.1
>3-6m	64.5	3.0	56.9	6.8
>6-12m	67.7	2.1	66.0	6.8
>12-18m	63.4	2.9	61.2	6.1
>18-24m	40.0	4.8	46.7	5.6
>24m	9.8	2.7	18.5	6.7
Stem Densities (no./ha):				
<2.5cm	5821.3	517.2	7191.3	1220.5
2.5-8cm	877.0	87.5	796.2	118.3
>8-23cm	392.9	29.4	350.2	51.9
>23-38cm	96.4	6.4	95.9	11.3
>38cm	41.6	4.8	48.0	6.7
Siggs (>8cm)	51.7	4.5	54.1	8.5
Landscape				
Cover (ha):				
Barren	5.5	1.0	3.5	2.1
Grassland	146.0	16.1	31.5	32.8
Shrub/pole	47.7	10.1	12.0	5.6
Water/wetlands	2.0	0.3	0.4	1.4
Mature deciduous forest	91.1	9.6	247.0	38.9
Mature mixed conifer/deciduous forest	14.0	2.7	13.3	4.3
Developed	6.5	3.1	5.0	2.4
Fragmentation Indices:				
Contrast-weighted edge density	43.0	3.1	24.8	4.6
Core area mature forest	25.6	6.0	193.4	33.8
Distance to mine edge (m)	113.3	14.5	957.2	295.2
Area of fragment/intact forest	51.0	20.4	961.7	176.7

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AMERICAN BIRD CONSERVANCY

CONSERVING WILD BIRDS AND THEIR HABITATS THROUGHOUT THE AMERICAS

January 2, 2004

John Paul Woodley, Jr.
Assistant Secretary of Army for Civil Works
138 Army Pentagon Room 3H446
Washington, DC 20301

Dear Assistant Secretary Woodley:

The Army Corps of Engineers has continued to issue mountain top removal/valley fill Clean Water Act permits in Tennessee, West Virginia, Virginia, and Kentucky for coal mining, despite the failure to complete an EIS. In Tennessee alone, permits by the Army COE have been issued for the removal and fill of over 5,000 acres of mountain tops in the last year. The 50 national and regional groups signing on the attached letter urge you to end issuance of new mountaintop mining permits until an EIS is completed and adopted, as required by NEPA.

We believe that NEPA requires such a moratorium as the environmental impacts are so massive from the projected removal of 380,000 acres of mature deciduous forest on mountain tops and the placement of fill in stream valleys. Further, the Clean Water Act dictates individual permits should be required for such major actions and thus, the current use of nationwide permits is illegal.

This forest destruction and concomitant valley fill is the greatest federally permitted land use alteration occurring in the United States. Please act to end issuance of CWA permits for these destructive practices until the EIS process is completed.

Thank you.

Sincerely,

Gerald W. Winegrad
Gerald W. Winegrad
Vice President for Policy



1834 JEFFERSON PLACE, NW • WASHINGTON, DC • 20036
PHONE: 202-452-1535 • FAX: 202-452-1534 • WWW: WWW.ABCBIRD.ORG
E-MAIL: ABC@ABCBIRD.ORG

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AMERICAN BIRD CONSERVANCY

CONSERVING WILD BIRDS AND THEIR HABITATS THROUGHOUT THE AMERICAS

January 2, 2004

Jeffrey D. Jarrett, Director OSMRE
Dept. of Interior, Interior South Bldg.
1951 Constitution Avenue, NW
Washington, DC 20240

Dear Director Jarrett:

We write to urge your action to prevent the massive and permanent impacts on avian species, other wildlife and fish, and the entire ecosystem at risk from the projected loss of over 380,000 acres of high-quality forest to mountain top removal coal mining in Tennessee, West Virginia, Virginia, and Kentucky. This forest destruction and concomitant valley fill is the greatest federally permitted land use alteration occurring in the United States. The projected destruction is detailed in the draft EIS and would occur over the next ten years.

The EIS process has been usurped by Interior Deputy Secretary Griles order to remove all environmental alternatives from the DEIS. As outlined in the attached letter from 50 national and regional groups, the DEIS is grossly defective and needs to be re-written. We urge you to act to terminate issuance of new mountaintop mining permits until an EIS is completed and adopted, as required by NEPA.

The Army Corps of Engineers has continued to issue mountain top removal/valley fill Clean Water Act permits for coal mining, despite the failure to complete an EIS. In Tennessee alone, permits by the Army COE have been issued for the removal and fill of over 5,000 acres of mountain tops in the last year.

We believe that NEPA requires such a moratorium as the environmental impacts are so massive from the projected removal of 380,000 acres of mature deciduous forest on mountain tops and the placement of fill in stream valleys. Further, the Clean Water Act dictates individual permits should be required for such major actions and thus, the current use of nationwide permits is illegal.

The DEIS is so defective that it fails to substantively discuss the significant impacts on the entire suite of Partners in Flight priority mature forest birds within the EIS study area e.g., Cerulean Warbler, Louisiana Waterthrush, Worm-eating Warbler, Kentucky Warbler, Wood Thrush, and Yellow-throated Vireo. All of these bird species are also classified as Birds of Conservation Concern by the U. S. Fish and Wildlife Service within the Appalachian Bird Conservation Region, which overlaps the area considered in the draft EIS. The destruction of the 380,000 acres will result in a loss of 137,836 Cerulean Warblers (ESA listing petition pending) the next decade.

Your intervention is urgently needed to prevent this ecological disaster.

Sincerely,

Gerald W. Winegrad
Gerald W. Winegrad
Vice President for Policy



1834 JEFFERSON PLACE, NW • WASHINGTON, DC • 20036
PHONE: 202-452-1535 • FAX: 202-452-1534 • WWW: WWW.ABCBIRD.ORG
E-MAIL: ABC@ABCBIRD.ORG

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-----Original Message-----

From: Gerald Winegrad [mailto:gw@abcbirds.org]
Sent: Monday, January 05, 2004 10:14 AM
To: Trott, Katherine L
Subject: STOP Destruction of Entire Ecosystems from Mountain Top Removal/Valley Fill-50 Groups Protest

Dear Ms. Trott:

The DEIS is woefully inadequate to address the massive and permanent impacts on avian species, other wildlife and fish, and the entire ecosystem at risk from the projected loss of over 380,000 acres of high-quality forest to mountain top removal coal mining in Tennessee, West Virginia, Virginia, and Kentucky. This forest destruction and concomitant valley fill is the greatest federally permitted land use alteration occurring in the United States. The projected destruction is detailed in the draft EIS and would occur over the next ten years.

The EIS process has been usurped by Interior Deputy Secretary Griles order to remove all environmental alternatives from the DEIS. As outlined in the attached letter from 50 national and regional groups, the DEIS is grossly defective and needs to be re-written. We urge you to act to terminate issuance of new mountaintop mining permits until an EIS is completed and adopted, as required by NEPA.

The Army Corps of Engineers has continued to issue mountain top removal/valley fill Clean Water Act permits for coal mining, despite the failure to complete an EIS. In Tennessee alone, permits by the Army COE have been issued for the removal and fill of over 5,000 acres of mountain tops in the last year.

We believe that NEPA requires such a moratorium as the environmental impacts are so massive from the projected removal of 380,000 acres of mature deciduous forest on mountain tops and the placement of fill in stream valleys. Further, the Clean Water Act dictates individual permits should be required for such major actions and thus, the current use of nationwide permits is illegal.

The DEIS is so defective that it fails to substantively discuss the significant impacts on the entire suite of Partners in Flight priority mature forest birds within the EIS study area e.g., Cerulean Warbler, Louisiana Waterthrush, Worm-eating Warbler, Kentucky Warbler, Wood Thrush, and Yellow-throated Vireo. All of these bird species are also classified as Birds of Conservation Concern by the U. S. Fish and Wildlife Service within the Appalachian Bird Conservation Region, which overlaps the area considered in the draft EIS. The destruction of the 380,000 acres will result in a loss of 137,836 Cerulean Warblers (ESA listing petition pending) the next decade.

The U.S. Fish and Wildlife Service's September 20, 2002 memo clearly

supports our conclusion that the draft EIS is fatally flawed. The FWS warned in the memo that publication of the draft EIS as written, "will further damage the credibility of the agencies involved." That inter-agency memo cites the proposed actions offering "only meager environmental benefits" and criticizes the draft EIS because it did not

consider any options that would actually limit the area mined and the streams buried by valley fills. "There is no difference between [the alternatives]," the Fish and Wildlife officials said. "The reader is left wondering what genuine actions, if any, the agencies are actually proposing." The draft EIS erroneously only offers alternatives that would streamline the permitting process for approval of new mountaintop-removal permits. The alternatives, including the preferred alternative, offer no environmental protections and the lack of any such environmentally sound options destroys the NEPA EIS process.

The FWS memo argued for "at least one alternative to restrict, or otherwise constrain, most valley fills to ephemeral stream reaches...As we have stated repeatedly, it is the service's position that the three 'action' alternatives, as currently written, cannot be interpreted as ensuring any improved environmental protection ... let alone protection that can be quantified or even estimated in advance."

Your intervention in support of this U.S. FWS letter and the conservation of U.S. FWS Birds of Conservation Concern and other wildlife is urgently needed to prevent this ecological disaster.

We believe that NEPA requires such a moratorium as the environmental impacts are so massive from the projected removal of 380,000 acres of mature deciduous forest on mountain tops and the placement of fill in stream valleys. Further, the Clean Water Act dictates individual permits should be required for such major actions and thus, the current use of nationwide permits is illegal.

Please act to end issuance of CWA permits for these destructive practices until a new DEIS is issued and the EIS process is completed.

Thank you.

Gerald W. Winegrad, Vice President for Policy
American Bird Conservancy
1834 Jefferson Place, NW
Washington, DC 20036
202-452-1535
VISIT OUR WEB SITE AT <<http://www.abcbirds.org>>
(See attached file: MtnTopMiningComments50GroupsJan2.wpd)

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Citizens

REC'D AUG 21 2003

304 Royal Lane
Blacksburg, VA 24060

August 12, 2003

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19130

Dear Mr. Forren:

PLEASE, PLEASE STOP MOUNTAINTOP REMOVAL MINING!!!

Mountaintop Removal mining is devastating huge swaths of land in Southern West Virginia and elsewhere throughout the mid-Appalachians. Each site is irreversibly and substantially harming the forests, streams, wildlife, and communities nearby. I envision no circumstances under which it should be allowed to continue.

Sincerely,



Michael Abraham
bikemike@swva.net

1-9

John Forren
U.S. EPA (3E530)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 23 2004

-19-04

I am writing in opposition to mountaintop removal and valley fills, more specifically, in opposition to the Environmental Impact Study released in May which inexcusably fails to consider banning mountaintop removal altogether and, instead, recommends the repeal of the stream buffer zone rule. Mountaintop removal is a deadly practice that subjects the surrounding environment to intense degradation. Yet the EIS documenting this devastation turns a deaf ear to the suffering of the environment and the plight of the surrounding population by proposing three alternatives that allow for the repeal of the stream buffer zone rule. Lest it be considered ill-advised on my part to suggest that these alternatives are, in effect, no alternative and, rather, represent the triumph of a greed that knows no bounds, I point to the fact that the EIS itself reports that 724 miles of streams across the Central Appalachian Region were buried by valley fills between 1985 and 2001 and that these fills have been extremely harmful to downstream aquatic life. Notwithstanding the fact that the EIS overlooks the banning of mountaintop removal as a viable alternative, the proposal to repeal the stream buffer zone rule is obviously ludicrous.

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REC'D JAN 23 2004

and plainly incongruous with the government's mandate. On what grounds could it be considered and, moreover, maintained that the relaxing of restrictions pertaining to valley fills and mining permits would ease the deleterious effects of mountaintop removal and valley fills? I maintain that there are none. I am led then to ask a second question: On what grounds would these rules be relaxed? It is manifest that there could be no consideration in the public's interest in virtue of which these rules would be relaxed. In effect, these proposed rule changes are a gift. They are a gift from George Bush to his friends in the coal industry. They are a gift wrapped and sealed at the price of a vibrant and lush environment and the sustainability of the economy of the surrounding population. I assert, then, that it is your obligation to act against these proposals and for the end of mountaintop removal.

Sincerely,

B. Abshire

David Brandon Abshire
418 Aylesford Pl. Apt. #3
Lexington, Ky 40508

----- Forwarded by David Rider/R3/USEPA/US on 01/23/2004 09:42 AM -----

Mark Abshire
<abear469@bellsouth.net> To: R3 Mountaintop@EPA
cc:
Subject: Strip Mining
01/20/2004 04:16 PM

I was born in and grew up the first few years of my life in the Appalachian Coal country. Recently I returned for a visit and did not recognize most of my area. This type of mining is not good for the environment nor the people there. Please stop it.

Mark Abshire

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REC'D DEC 29 2003

Adams
760 Strawberry Fields
Gurnee, IL 60031

Dec. 22, 2003

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

Please do not allow the Bush administration to weaken environmental protections that apply to the companies that are conducting mountain top removal.

The data contained in the draft EIS and its accompanying studies confirm that the environmental harm caused by mountain top removal and valley fill operations is significant and most likely irreversible.

The environmental and economic studies prepared for the draft EIS do not lend any support to the administration's proposed "preferred alternative" that recommends weakening existing environmental laws that limit the size and location of valley fills. In fact, the studies support the opposite conclusion: mountaintop removal must be much more strictly limited to head off additional and significant devastation of the Appalachian region's natural resources.

Sincerely,
Lorraine J. Adams

Knox Adler
Date: 01/05/2004
City: Marthasville State: MO Zip: 63357

I strongly urge you to ignore the alarmists that think that mountaintop removal mining is harmful. We need to restart developing our own natural resources so we will be less dependent on foreign countries for our energy supplies.

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--- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM ----

Geert Aerts
<gaerts@blmet.com> To: R3 Mountaintop@EPA
> cc:
Subject: RE: Draft mountaintop removal mining EIS.
01/02/2004 02:28
PM

January 2, 2004

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear John Forren,

I want mountaintop removal mining limited.

I want the EPA to consider alternatives that reduce the environmental
impact of mountaintop removal.

Sincerely,

Geert Aerts
17635 Henderson Pass Apt 723
San Antonio, TX
USA

REC'D JAN 13 2004

Mr. Forren,

January 12, 2004

I am writing to let you know that I am unequivocally AGAINST mountaintop removal mining, the resulting valley fills, and any changes that would weaken the already minimal laws and regulations that protect clean water. Coal companies should not be allowed to dump mining waste into our streams and waterways. The buffer zone of 100 feet is a minimum distance to avoid negative impacts on water quality in Kentucky. According to the federal government's (EPA) own Environmental Impact Statement many hundreds of miles of streams throughout Kentucky and central Appalachia have already been negatively impacted by such dumping. Please do not vote to continue or worsen this practice. I do not support Alternatives #1, 2 or 3 contained within the EIS report. None of these options will protect our water or our communities. Instead of doing things the old, destructive way, why not aggressively pursue alternative, renewable sources of energy to ensure clean water, a healthy environment and safe communities for future generations.

Sincerely,
Lee Agee
Louisville, Ky 40218



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REC'D JAN 16 2004

Tuesday,
January 13, 2004

Dear Mr. Forren,

I'm past the deadline for comments on the issue of the environmental effects of mountaintop removal coal mining but I decided to write anyway as I believe strongly in the devastating effects of this detrimental policy. It feels good to share the wisdom I've gained and the concerns I have for the environment and people in the areas where this practice is continuing.

Sound science demonstrates to us the irreversible, severe effects of a procedure that is widespread: filling valleys with debris; burying streams; acres of forest are covered with no protection for the wildlife habitat or safeguards for the communities that depend on the region's natural resources now and in the future — let alone clean air and water for today! Even the administration draft EIS was explicit in the description of the effects. Yet because our country depends on coal for half of our electrical demand, the

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Bush Administration is allowing this practice of removing whole mountaintops to continue, and is even making it easier for coal companies to obtain permits. This same Administration opposes clean energy policies such as a renewable electricity standard, which would ensure that 10% of our power comes from clean renewable sources by 2020.

I urge you, Sir, to consider alternatives to this wasteful and devastating practice. Think of the impact you could have as a thoughtful individual with the power to influence others and to be a voice for the common citizens living in these areas — the earth and the wildlife that are threatened!

Peace,

Sandy Ahlstrom
6085 Riviera Lane
Shorewood, MN 55331

December 28, 2003

REC'D JAN 02 2004

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

I am writing in concern mountaintop strip mining in the Appalachian region. This coal mining practice, I'm sure you're aware, involves blasting hundreds of feet off the tops of mountain peaks to reach coal seams, then pushing millions of tons of resulting rubble into surrounding valleys and streams. This practice has destroyed at least 700 miles of streams in the Appalachian area since 1985. Although an EIS regarding mountaintop mining was released in May 2003, it does not adequately address the environmental impacts. I hope that regulations regarding this practice are not further weakened and that we strongly protect our river heritage - more precious than short-term economic goals. Thank you for your attention to this matter.

Sincerely,

Julie Alaimo
8515 13th Ave. NW
Seattle, WA 98117

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George & Frances Alderson

112 Hilton Avenue
Baltimore, Maryland 21228

December 14, 2003

REC'D DEC 17

Mr. John Forren
US Environmental Protection Agency (3EA30)
1650 Arch Street
Philadelphia PA 19103

Dear Mr. Forren:

Please include this letter as a comment on the draft EIS on mountaintop removal coal mining.

We have seen the impacts of surface coal mining in the mountains of western Maryland and southwestern Pennsylvania, and we are very concerned that those destructive projects may be allowed to multiply under current plans of the Bush Administration.

We ask EPA to reject the "preferred alternative" that eliminates restrictions on the use of mountaintop removal as part of coal mining operations. We understand that the preferred alternative eliminates a rule barring disturbance within 100 feet of streams, it places no limits on the size of valley fills nor on the acres of forests that can be disturbed, and it contains no measures to safeguard wildlife habitat.

1-13

We ask EPA to develop instead a preferred alternative that has the following features:

- Measures to reduce the environmental impacts of mountaintop removal.
- Prohibit mountaintop removal where the impacts exceed a certain threshold.
- Restrict the size of valley fills to an appropriate numerical standard, so as to reduce the loss of streams and forests and the wildlife found therein.
- Require consideration of alternatives for individual mining projects, so their environmental impacts can be considered on a site-specific basis, including the cumulative impacts of mountaintop removal at different sites.

1-6

Thank you for considering our views.

Sincerely,

George & Frances Alderson
George & Frances Alderson

REC'D AUG 18

January 2, 2004

Jonathan Alevy
Hyattsville, MD 20782

A while back I had the opportunity to visit with farmers in all parts of the state of Maryland to discuss their management of nutrients, which, as I am sure you are aware, can cause serious environmental harm if used inappropriately. After one visit near Cumberland in the center of the state a farmer asked me to join him in his vehicle to look at something he thought was a more serious environmental concern.

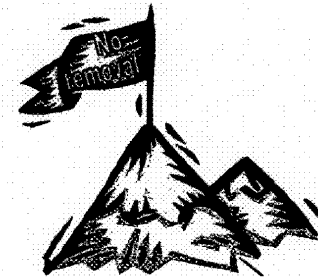
After driving up the road from his farm just a mile or so, we walked into the woods towards a stream, that was shockingly reddish in color, almost a bright "blood red." The farmer attributed the problem to the mining taking place at the stream's source at the mountain top. I believe this type of dramatic damage needs to be addressed in a responsible way and urge you to take the necessary care to be sure that mountain top mining is restricted so that these severe environmental harms are avoided and where damage currently exists, that these sites are restored. Thank you for your consideration of this important issue.

5-5-2

Deborah C. Allen, 149 E. Broadway, Madisonville, Ky. 42431

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

August 13, 2003



Dear Mr. Forren,

I oppose mountaintop removal and valley fills and any change in the buffer zone rule. I'm disappointed and angry that the federal government ignored its own studies when it proposed weakening, rather than strengthening, protections for people and the environment. We look to people we have put in charge to protect this precious land we are borrowing for our brief life from the greedy who only see profit.

1-9

1-10

sincerely yours,

Deborah C. Allen

Chrisambr@aol.com

To: R3 Mountaintop@EPA
08/15/03 10:10 AM cc:
Subject: Re: EIS

A CD is fine. My address is:

Christopher Ambrose
7815 Lambkin Court
Lorton, VA 22079

I lived in West Virginia years ago and, during a visit, was shocked at the destruction the mining industry has caused since I left. I am very interested in this issue. If it is not too much trouble, could you send two copies?

Thanks

Chris

3-1

Christopher
Mountaintop@EPA
Anderson
kaustainurworld@comcast.net
To: R3
cc:
Subject:
12/17/2003 09:36 AM

In May 2003, you released a long-overdue draft environmental impact statement (DEIS) that was required by a 1996 legal settlement. The DEIS was supposed to evaluate alternatives to mitigate the impacts of mountaintop

removal mining. The DEIS falls far short of that goal. Instead, the Administration is proposing that this type of mining continue and offers

steps to accelerate the permitting process. All three alternatives identified would eliminate a 25-year-old rule that prohibits mining impacts within 100 ft of streams.

Mountaintop removal is a particularly brutal form of strip mining that has been used in Appalachia to blast hundreds of feet off the tops of mountains to gain access to thin coal seams. Forests are leveled and wildlife habitat is destroyed. Millions of tons of rock and soil from the obliterated mountain tops are pushed into valleys, causing further devastation, including burial of the vital headwaters of rivers. Estimates cite 730 to 1200 miles of rivers have already been buried or otherwise damaged by mountaintop removal.

All three alternatives in the draft environmental impact statement are unacceptable. I am staunchly opposed to mountaintop removal mining and crossridge mining too, which supposedly will "restore" contours after blasting off the mountain tops. From you, the Environmental PROTECTION Agency, I demand stronger environmental protection for our waterways from the impacts of mining, not the typical Bush administration's system of expedited permitting.

Given the current FDA health advisory limiting women and children to one

locally caught fish a week (no more, even store bought for rest of said week), I cannot allow such a further attack on Tennessee's waterways. We

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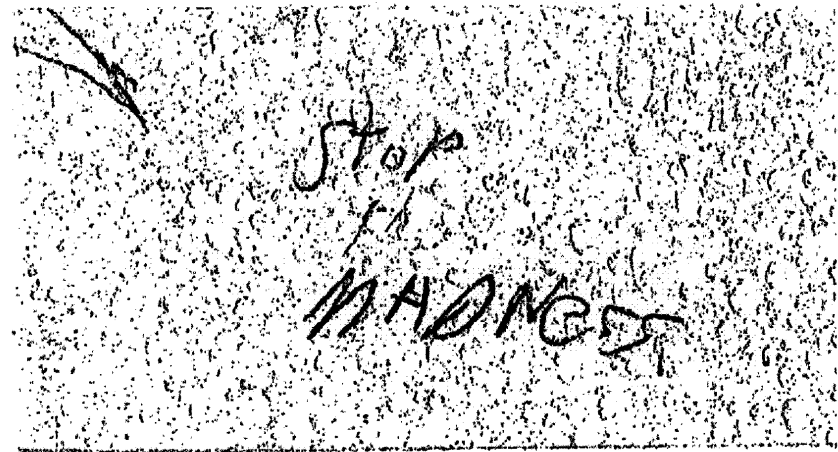
are facing a very serious problem where the future of our children are concerned. Please do not further exacerbate this already tenuous link between us and our natural heritage.

Adamently,

Christopher Anderson
6218 Belle Aive Dr.
Brentwood, TN 37027

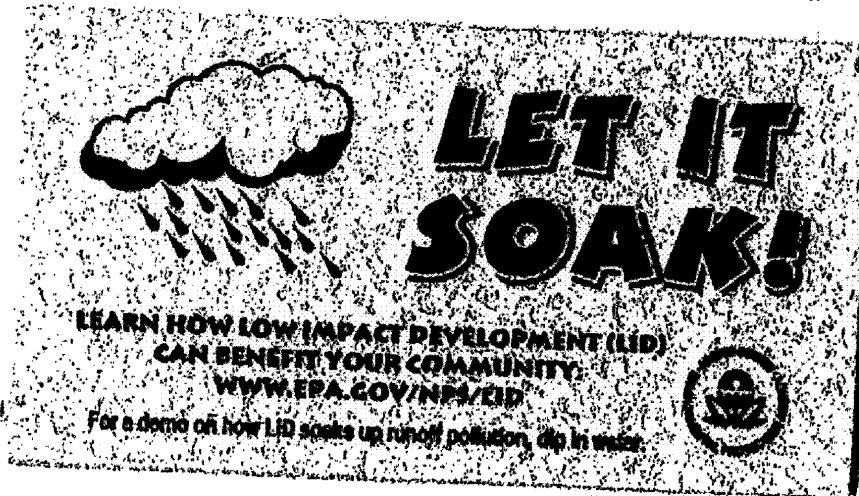


1-9





1-9



07/24/03

The presentations by environmentalists
— those against MTR — were truly
inspirational!

1-9

--- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM ---

Date: 12/24/2003
City: Brighton State: Co Zip: 80603-8705

"arringtj@casco.n
ct" <arringtj To: R3 Mountaintop@EPA
cc:
01/06/2004 02:09 Subject: Please Stop Destructive Mountaintop
Removal Mining
PM

Dear Mr. John Forren, Project Manager,

Once again, the Bush administration is putting business ahead of people, profit ahead of the environment, money ahead of public health. I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities. Once again, the Bush administration is pushing a policy that would degrade the our quality of life while making a few people richer.

Please protect Appalachia.

Sincerely,

Julie Arrington

Julie Arrington
534 NW Maxine Avenue
Corvallis, OR 97330
arringtj@casco.net

My review of the DEIS on mountaintop removal coal mining revealed major conflicts with what is called for by the CEQ regs. These regs, as you well know, require that the preferred alternative be the one which has minimal environmental impact commensurate with project objectives. The regs also require that the best science available be used and off site impacts be fully evaluated. All feasible alternatives are to be considered. The tactic of presenting only far out alternatives and a preselected alternative so the preselected on is the best choice is forbidden. This DEIS falls short on all of these requirements. While it does present elements of good science, it ignores them when selecting a preferred alternative. The EPA should designate this DEIS as inadequate and require a revised version that fully recognizes all of the environmental and economic impacts on the communities involved. The revised DEIS should present the best 4 or 5 alternatives that takes into full account the results of the supporting studies concerning all impacts and project objectives. Most of all, a DEIS is no place to alter existing regulations such as the placement of fill near streams. As a past Region 6, FWS, Environmental Officer for 8 years, I have seen some real once-over-lightly DEIS's and some right devious ones. This DEIS is one of the worst I have seen.

4-2

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Gordon J. Aubrecht, II
 Date: 1/05/2004
 City: Delaware State: OH Zip: 43015

I am unhappy to learn that the current (Bush) administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out for bury streams, and destroy communities despite the wishes of many West Virginians and others affected by the probable decision to go ahead. I agree with many of Julia Bonds' criticisms expressed at the EIS meeting in July, 2003.

According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet, the draft EIS proposes no restrictions on the size of valleys that bury streams, no limits on the number of acres of forest that can be destroyed, no protection for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations. As has been reported in several places, many residents are afraid that there will be "noise and dust from blasting, the loss of streams buried by valley fills and the fear of flooding from overloaded sediment ponds or slurry impoundments." The EIS states that the region has lost 6.8% of its forests to mountaintopping, and 724 miles of its streams to valley fills, to the detriment of all Americans. This adversely affects local water quality and alters runoff characteristics. Without new limits on mountaintop removal, or a return to those measures proposed by the Clinton administration, a large area of mountains, streams, and forests will soon be destroyed by mountaintop removal. Many state studies have asserted that regulations in place are not being enforced, according to the EIS.

These state measures should be supported strongly by the federal government, which according to my reading the EIS did not recommend. In light of these facts, I urge you to consider alternatives that reduce the environmental impacts of mountaintop removal.

Thank you for your consideration on this important issue.

----- Forwarded by David Rider/R3/USEPA/US on 01/30/2004 11:21 AM -----

Harvard Ayers
 <harvard@boone.net> To: R3 Mountaintop@EPA
 Subject: Mountaintop Removal EIS
 01/21/2004 11:31 AM

Dear EPA person-

I have taken many trips over the last 10 years from my home in the Blue Ridge Mountains of North Carolina to the coalfields of West Virginia and Kentucky. I have flown many times in a small plane over the areas that have mountaintop removal mines. I am also conducting a satellite analysis of how much expanse of the Appalachian coalfields have been destroyed by MTR.

My analysis indicates that about 1 million acres of West Virginia, Kentucky, Virginia and Tennessee have already been leveled, with much more to come. If the current practice continues at today's pace, it will truly go from "Almost Heaven, West Virginia," to "Almost Level, West Virginia." I have sobbed with several other people at a time in the flights. These people have included average people, national Congressional staff, ministers, media, pretty much folks from all walks of life.

Also, I have talked to many folks in the coalfields and spent the night on their floors to gain a better understanding of the human toll of MTR. Along with a geologist colleague of mine at Appalachian State University, I have investigated a huge mining crack on Kayford Mountain, WV, which looms over the valley town of Dorothy. The investigation of the geologist indicated that a potential landslide which he saw evidence of could cover the town with 200 feet of rubble in seconds from the time it broke loose, killing all the residents.

I have seen a lot of environmental threats over the country, and I have never seen anything like the effects of Mountaintop Removal. I therefore urge you to reflect the devastation currently being caused by this practice and I ask you to recommend restrictions that will stop the devastation. I urge you not to do another sham study that I have come to expect from the Bush EPA. Acknowledge that there is tremendous problem to people and the environment and take the steps necessary to rein in the out-of-control corporations (Arch, A.T. Massey, etc.) and stand up for what's right!

If you haven't had the opportunity, I'll be glad to provide a flight for you, who ever you are and anyone else in EPA that might not have seen what you are regulating from that perspective.

Sincerely,
Haryard Ayers
Professor of Anthropology
Appalachian State University
Boone, NC 28607 - 828-262-6381

Aug. 66
To John Foren US EPA.
Re: Mountain removal -
Are we really going to allow
the most beautiful & Biologically
diverse part of Kentucky to be
destroyed? The EIS is shameful!!
Janet M. Ayward

REC'D AUG 26 2003

Ms. Janet M. Ayward
331 20th Ave NE
Louisville KY 40206-1499

1-9

----- Forwarded by John Forren/R3/USEPA/US on 01/06/2004 09:12 AM -----

wycoaird
<wycoaird@erols.com>
Forren/R3/USEPA/US@EPA
cc:
01/05/2004 10:54
PM
To: John
Subject: MPR EIS

Mr. Forren,

I urge you most strongly to take the findings, rather than the recommendations from the EPA environmental assessment to mountaintop removal as your guide in rule making. It is all about the resource. How can there be questions of whether or not water quality is impacted when the stream is buried? I was fortunate enough to visit the Charleston area in 2000 as part of a delegation of the Izaak Walton League of America. As a result of our investigation we developed the following resolution. <http://www.iwla.org/policies/>

5) The practice known as mountaintop removal and valley fill is growing and resulting in permanent damage to, and loss, of forest and headwater streams, especially in the Appalachian Mountains. The League strongly urges that no variances or waivers to existing stream buffer zone requirements of the Surface Mining Control and Reclamation Act be granted by state and federal agencies for valley fills associated with mountaintop removal mining.

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Please consider before you become the next in a series of agency people who are asked by the Administration to act contrary to what good science has plainly shown.

Thank You for your time and interest.

Jim Baird

Takoma Park, MD

REC'D AUG 04 2003

Draft EIS (Environmental Impact Statement).

I don't agree with the Environmentalists.

I have lived in Ky. for 44 years. our family's have lived around strip jobs, and coal mining company's all our lives. we own 60 Acres of land. this land was striped over 15 years ago. It is home to Elk Deer's, Turkey, and every animal made by God.

7-2-2

because of this land being striped. I have a place for my 3 son's to put homes.

10-3-2

my family enjoy the strip job around us. we can fish, and catch 17 inch Bass in the pond's you can four wheeler ride, campout. It's like having a park in your door. People come from all over to enjoy these places. we don't hurt Ky. and the people who live here.

6-2-2

Ray & Arlene Baker
970 Big Rock Rd
Yeaddiss, Ky
41777.

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM -----

"isabel_balboa@ho
tmil.com"

To: R3 Mountaintop@EPA

<isabel_balboa
cc:

Subject: Please Stop Destructive Mountaintop

Removal Mining

01/06/2004 12:42

PM

Dear Mr. John Forren, Project Manager,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities.

1-9

I urge you to immediately amend the draft EIS accordingly. Every time you destroy the environment, Satan smiles.

Sincerely,

Isabel Balboa
4018 West 175 St
Torrance, CA 90504
isabel_balboa@hotmail.com

January 16, 2004

REC'D JAN 26 2004

Mr. John Forren
U.S. EPA (3E330)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I am writing to inform you of my feelings concerning some topics in the most recent EIS. I oppose mountaintop removal mining, valley fills and any change to the buffer zone rule. These issues have been brought to my attention recently. I was informed a letter to you might do some good. I truly hope that it will be taken seriously and not tossed aside. I understand you are a very busy man and have an enormously important job. Please take into consideration some of my concerns when addressing the issues in the future.

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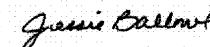
I will not go into tedious details, but I am upset that specific restrictions on the use of valley fills were rejected with such little consideration. In addition I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. I do not support alternatives #1, 2, or 3 contained within the EIS report. None of these options will protect our water or our communities.

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I bring these concerns to you in hopes that you will keep an open and determined mind. Our environment is precious and our water and land are the most valuable pieces of the puzzle of life. Thank you for your time and consideration.

Sincerely,



Jessie Ballowe

1409 BONNYCASTLE AVE.
LOUISVILLE, KY 40205

REC'D JAN 05 2004

John Farren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

Oppose mountaintop removal or any
mountaintop disturbance, valley fills
and any change in the buffer zone rule.
I grew up on Pine Mt in Southeastern Ky.,
and others should have the same or similar
opportunities. Shame on you Bush
people. Shame!

1-9

Carl B. Banks
42 Virginia Ave
Whitesburg KY 41858

REC'D JAN 26 2004

Jan 20, 2004

Dear Mr. Farren,

The Bush administration's plan to
let coal companies destroy Appalachia
with mining that levels mountain tops,
wipes out forests & buries streams is
unacceptable. Mountain top mining and
valley fills should not be allowed and
laws that protect water must not be
weakened. I am angry that the gov't
ignored it's own studies when it
proposeded weakening protections for
the people and the environment

1-9

1-10

Yours truly,
Israel Baran
Santa Clarita, CA

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:52 PM -----

RBaskin@aol.com

To: R3 Mountaintop@EPA

01/03/2004 09:44 AM cc:

Subject: Strengthen draft EIS on mountaintop removal

coal mining

Mr. John Forren
Project Manager
U.S. Environmental Protection Agency (3EA30)
1650 Arch Street
Philadelphia, PA 19103
Email: mountaintop.r3@epa.gov

Dear Mr. Forren,

For years, land reclamation after strip mining has been a recognized need. Yet the extent to which the land area is returned to its pre-mining state has been a subject of great controversy. Obviously, the economics of strip mining become that much less viable the more extensive the reclamation. Still, there must be a balance between the immediate gains of strip mining versus the degradation of the area once the strip mining is complete.

Mountaintop mining is particularly troubling given that it level mountaintops, wipes out forests, buries streams and destroys communities. According to the draft EIS, the environmental effects of mountaintop removal are widespread, devastating and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife and no safeguards for the communities that depend on the region's natural resources for themselves and future generations. Instead, the proposed "preferred alternative" for addressing the enormous problems caused by mountaintop removal mining ignores the studies that quantify these problems. Furthermore, it proposes weakening existing environmental protections and allowing mountaintop removal and associated valley fills to continue at an accelerated rate.

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. Alternatives must be considered that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities. I urge you to immediately amend the draft EIS accordingly.

Sincerely,
Richard Baskin
2 Roton Ave
Rowayton, CT 06853

Forwarded by David Rider/EJ/USEPA/US on 01/23/2004 09:38 AM -----

Susan Bechtholt
<kaliel@peoplepc.com>

To: R3

Mountaintop@EPA

cc:

cc:

Subject: Limit the

Destruction Caused By Mountaintop Removal Mining
01/12/2004 10:01 PM

1-9

Susan Bechtholt
5290 Banner Rd SE
Port Orchard, WA 98367

January 12, 2004

John Forren
US EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Forren:

5290 Banner Rd SE www.kalielспairedogs.homestead.com/

Sincerely,

Susan Bechtholt

1-5

Forwarded by David Rider/R3/USEPA/US on 01/08/2004 09:59 AM -----

Lawrence Beckerle
<lawrencebeckerle@yahoo.com>
To: R3 Mountaintop@EPA
cc:
Subject: Additional comments on EIS
01/08/2004 12:08
PM

January 6, 2004 comments on EIS
By Lawrence T. Beckerle
PO Box 118
Craigs ville, WV 26205

Fatal flaws

EPA did not make proper use of data gathered by US Forest Service from Appalachian and Cumberland Mountain areas and formerly headquartered at Berea Kentucky. Information on this data was included in first comments I made (a total of 28 typed pages to EPA, 32+ pages to OSM) during the first comment period. (It may help you to remember my verbal commentary. If I note here that I was the one who brought a watermelon to the hearing in Logan from a bond forfeited mountain top mine site that I reclaimed in Fayette County.) A consultant from Pennsylvania did call me once for more information on who then had the raw data collected in the last years of that study, but it seems no analysis or other use was made of this unique data. Note: It is the only consistent multi year collection of data from such a large area. Furthermore it is the only data that can be used to sort out such multiple variables as the various effects of very different regulations over time. The data were collected from about 1975 to about 1987.

Because the EIS does not consider how misguided regulations cause environmental problems, there is little to offer on how to solve the problems mentioned in the EIS. Furthermore those problems are therefore mistakenly blamed on mining activity. With out such distinctions important issues are left unresolved and people are left as confused as before about what to believe. Since both OSM and the West Virginia Department of Environmental Protection are reluctant to admit that their regulations are the root cause of problems, it is especially important that EPA take a more perceptive look at those issues.

The following examples are offered to help reviewers

to better analyze the issues:

VALLEY FILLS

Configuration: Under current regulations no real option and certainly no encouragement exists to develop more effective or more visually pleasing shapes to valley fills. Surface shapes allowed for the mining industry do not even approach the variety of shapes used by the department of highways for valley fills when they build new roads/interstate systems.

Current regulations generally allow just two basic types of valley fills: chimney core drain and 80 % durable rock end dump valley fills. Both these designs allow dissolve solids to be flushed out of valley fills. Part of this flaw could be corrected with organic filters, but the regulations require the removal of trees and other surface organics before placement of fill material. OSM snuffed out the use of trees and shrubs for under drains. Now organic filters are not even allowed in the aerobic zones of a valley fill.

Part of this is due to the fact that regulators do not make a difference between consideration of the stability of the face of the valley fill from the material behind the face. While this may simplify things for regulators, it also has the effect of outlawing innovative technologies for improving water quality. It also outlaws fills that concentrate stability features at the most vulnerable area (generally the face) and use the rest of the valley fill to enhance other parameters.

By contrast to 80 % durable rock fills and chimney core drain fills, it has been shown to be possible to slow runoff in a valley fill and to increase the filtering effect.

As a third option a valley fill could be used to create cells or a kind of dam effect to improve water quality parameters. However the Dam Control Act may need some modification to allow use of designs that might be currently subject to its restrictive provisions, but which should be exempt to encourage new designs for improving water quality.

Among the concepts for which bureaucrats might use the Dam Control act as a roadblock are: internal cells in a valley fill and perched water tables.

PREVENTION OF ACID MINE DRAINAGE

Three ingredients are required for acid mine drainage

13-3-2

3-3

to be produced: water, oxygen, and pyrite or similar material. Production of acid mine drainage is maximized when the pyretic material occurs in the water fluctuation zone. Thus there are two logical approaches to preventing production of acid mine drainage:

- 1.) Keep the pyretic material high and dry to keep water from getting to it.
- 2.) Put the pyretic material below the permanent water table to deny oxygen needed by the sulfur oxidizing bacteria

Where states regulatory agencies allow only the first approach (West Virginia) infiltration of rainwater is discouraged. Drainage structures resemble those used for highway construction and runoffs rates can be very high.

Where state agencies (Illinois) have preferred the second listed approach infiltration of rainwater is encouraged and drainage structures often resemble those used by farmers to reduce erosion and increase the productivity of their land. Runoff rates are lowered by such structures. It is possible to eliminate storm water runoff with such structures. The flood control benefits can be enormous. But where the emphasis is on the first approach such structures are not allowed.

Less well-known to state officials is that such structures increase the productivity of vegetation and the productivity of sulfur reducing bacteria, both of which help to reverse acid mine production. However for those that have studied effects of rice paddies that formerly occurred in South Carolina and/or the earthen cells used for commercially raising crayfish, this is old news.

For farmers interested in ground water recharge and otherwise retaining moisture to increase production of their land such structures are old news. Most also realize that the increased moisture through the winter months helps increase the freeze-thaw actions that reduce compaction and are thus an aid to increasing rooting depths for plants.

APPROXIMATE ORIGINAL CONTOUR

In my work to create topsoil material for bond forfeited surface mined land, I have learned the hard way that a 15% slope is the maximum safety limit for trucks to dump sawdust and other materials that we used to make a topsoil layer. (15 feet vertical fall in 100 horizontal distance = 15% slope.)

With my farming cooperators (David Williams and James Briggs) we soon learned that 25% is the maximum safety limit to operate a farm tractor along the contour of

the land.

25 % slope is the standard steepness for roofs on the average home. (The same slope when used by homebuilders to put a roof on a house is described as a pitch of 3 inches vertical fall for every 12 inches of horizontal distance, or as 3 in 12 or 3/12's)

Being able to safely operate equipment should be a concern of everyone who values the life of their fellow Christian. But some are not satisfied to see land put back as steep as the roof on a typical home, they strongly prefer very steep land (and call any one in the wrong who wishes to keep the steepness of the land within reasonable safety limits). In effect, they insist on very steep slopes and use judges and lawyers with no real experience in farming or land reclamation to mandate slopes very much in excess of 15% and are not even satisfied with slopes under 25%*. In court they have essentially argued for as much land as possible to be put back to 50% slopes. (Generally only bulldozers with new or nearly new tracks can safely operate on mined land with slopes between 36% and 50%.) The US Congress had enough sense to describe land over 20 degrees (36+ %) as steep slope mining and enacted provisions to discourage putting land back to slopes steeper than 36%. But in their haste to make mining and reclamation more difficult for coal companies, the radicals have ignored the intent of Congress and succeeded in getting Judge Haden to ignore its basic intent on limiting the steepness of the land after mining.

* Many of the same people complain when roads exceed 4 % . (For their safety the Department of Highways posts signs warning of steep grades whenever the slope of the road is 5 % or more.) And they want their yards to be flat enough to run a lawnmower, so why do they insist that rural landowners be stuck with slopes as steep as the roof on their houses? Where is the justice in that? Can they not see that they are supporting a double standard? Some consider any reduction in height of a mountain as mountaintop removal mining. (And with that interpretation a moratorium on mountaintop mining eventually becomes a moratorium on nearly all surface mining.) But the intent was that only mining that was returned to such flat slopes that it eliminated the mountaintop was to be called mountaintop removal mining. (But as we have all seen the first step to deception is changing the meaning of words and the use of words/phrases out of context.) The original mountain top mines were more than just flat. They actually sloped (usually at 3 to 5%) towards the middle of the former mountain, so that a depression was left where a mountain once stood.

19-3-2

19-3-2

Some say a picture is worth a thousand words. I wish I had pictures of trucks that rolled over when the operators tried to dump their loads on hills steeper than 15%. I do have pictures of the land we were able to reclaim. I'm including a mere two copies with this letter. (I have many more I would like to show you.)

The land shown in the pictures is more productive than what can be achieved by land with slopes over 15%. It is more resistant to erosion. It is more resistant to flash flood type runoff*. The very rich two-foot deep layer of topsoil we created is something that future generations will be able to use. The amount of carbon sequestration that we achieve with this project is higher (on a per acre basis) than all other projects that I have heard about.

I am reminded of the biblical exhortations to lower the mountains, raise the valleys, and praise the Lord.

* On gentle sloping lands (be it mined land or other high and dry lands) it is possible to build enough absorption terraces and similar structures that catch and hold flash flood style runoff so that flooding is prevented. But it seems that none of the radicals are interested in such proposals. It seems they'd rather see a continuation of flooding so they can exploit the misery of flood victims to advance their political agendas.

For a long time the West Virginia Department of Environmental Protection (and its predecessors) used a fifty-foot rule to judge the return to approximate original contour. This standard had the advantage of being simple and where the contour intervals on topographic maps of several counties is forty feet, a fifty foot rule was close to the mappings standards used by the US Geological Survey. However, one problem is that fifty feet can be a lot or a little depending on what context it is used in. Taken out of context, that rule caused plenty of confusion.

(Due to a number of problems the 50-foot rule was meant to be more of a guide. Since it wasn't always "strictly enforced", some thought that DEP had broken the law by not enforcing this rule. But height was not intended by Congress to be the measure of approximate original contour. The concern voiced by Congressmen from farming states makes that clear. The emphasis from those Congressmen was to restore the agricultural productivity of the land. To do that the land must be made at least as flat as it was before mining. Congress set 50% as the maximum slope for post mining land. Since most of the land (80 to 90% in some) in many counties is in excess of

50%, it is not possible to return the land to its original heights. Which further emphasizes that Congress was more interested in returning land to useable slopes, which generally should be at least as flat as what occurred before mining.)

The 50-foot standard was also wrong in that it could result in land that was much steeper than what occurred before mining or it could result in land that was much flatter. What would have made more sense are requirements based on percent slope such as:

0 to 15% should be at least as much of the land is in this slope category as occurred before mining.
15 to 25 % should be approximately as much land in this slope category as occurred before mining.
25 to 36 % the amount of land in this category after mining should not exceed what occurred before mining.
37 to 50% the amount of land in this category after mining should not exceed what occurred before mining.
The provisions enacted by the US Congress showed they had a special concern about land that might be graded to slopes greater than 37 %. (20 degrees is between 36 and 37%)
Over 50%. In general Congress prohibited a return of land to slopes greater than 50%, even though a significant amount of land in some steep mountainous counties ranges from 60 to 80 %.

Other states have been using percent slope classifications as a way to regulate their mining industries since and some even before the passage of SMCRA (the Surface Mining Conservation and Reclamation act. It seems that West Virginia needs to adopt a similar standard. A possible barrier in West Virginia to passing such a standard is the confusion and legal mess caused by Judge Haden's decisions. Since he is a federal judge, West Virginia is now in some ways as restricted on passing laws with regards to mining, as it is restricted on passing laws that limit abortion. The consent degree entered into by those who file the lawsuit and DEP also restricts West Virginia's ability to fix things. In these cases, consent degrees become just another way to deny our right to vote on these issues. Are you not concerned about this injustice?

To arrive at some of his decisions Judge Haden had to not only ignore the intent of the US Congress, he had to change a few key definitions, for example:

Waste rock is a term normally used for rock left after processing to extract a mineral. Its economic value is gone. It can be in a fairly dry form such as rock that has been leached to extract gold. It can be in slurry form that is inherently unstable, such as

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slurry from a coal preparation plant. Slurry material is inherently unstable. The materials dredged from rivers and canals are inherently unstable, so the US Congress included dredging material in its provisions on waste rock.

Fill rock is normally used for rock that is used in a fill. People untrained in construction or mining will often make fills on their properties. Many times they will copy what they have seen in construction or mining. Sometimes they take shortcuts and end up with problems. A common short cut is to skip doing a durability test on the rock they plan to use in a fill, so that it is no longer select fill as is used in the mining industry. It should also be noted that a valley does not contain the following materials:
No acid producing material
No gob
no slurry
no fly ash
no mud is disposed of in valley fill

Judge Haden's decision on mountaintop mining attempted to put a number of untruths into court made law. How the decision of the Appeals Court affect this I'm not entirely sure, but I would ask that EPA make note of their decision so that those untruths are not further advanced.

Comments on EIS (with additional pages since summer 03 submission of first page)

Page 1

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Could better discern what the effects of valley fill were if one knew the percent slope of the land above it and could statistically separate out the effect of steep slopes from the size of valley fills. The problems being attributed to valley fills may be due to the steep slopes above those valley fills. And it is very possible that larger valley fill that make possible a reduction of steepness of slope on the land above the valley fill will have less runoff than a small valley fill with steeper land above it. However without information on the slope of the land, it will be hard for scientist to make these determinations. (The irony is that Illinois, which is much flatter than West Virginia keeps records on steepness of slopes, and West Virginia ignores the issue.)

Slope information needs to be cataloged here in the mountains just as well

13-3-2

17-1-2

Regulations could be improved by a consideration for steepness. For example: to control erosion, one needs to have more vegetation (or other erosion control measures) on a 40% slope than a 4% slope (grade). But for revegetation purposes DEP treats all land the same, even that which is ten times as steep as the land preferred by farmers and most homeowners. If DEP had logical vegetation requirements for different grades of land this would help quail, which prefer a patchwork pattern of vegetation. (Since plant species vary in their sensitivity to competition, a greater diversity of plant life will be permitted by this change.)

For example:

The typical grade of a wet meadow (and some forest wetlands) is 1%. Anything over 2% generally becomes a mound or relatively dry island. There could be a category for land with an overall grade under 2%, so the public could know whether enough wet weather pools, wet meadows and wet forests are being created to sustain wildlife that depend on these habitats. The typical grade for a highway is 4% or less. (Note that DOH puts up signs warning of a steep grade ahead for highways that have a 5% or greater grade.) There could be a category for land no steeper than the typical highway.

The safety limit for dumping a load from a truck is 15%. There could be a category for regarded mined land that is safe enough to operate a dump truck. 16.6% used to be the standard for the pitch of a roof on mobile homes (also described as 2" fall per 12"). Now the standard is 20% (2 1/4" fall per 12").

The safety limit for operating a farm tractor along the contour is 25%. There could be a category for land safe enough to operate a farm tractor (along the contour and thus aid the use of soil conservation practices). (25% is the standard pitch for a roof on a house, (which a contractor would refer to as 3/12 or 3" fall per 12").

Finally there could be a category for land too steep to operate a farm tractor along the contour and is steeper than the roof on the average American's house

However rather than match cover type with the steepness as one would do for a play ground or roof on a house, DEP insists on the same kind of vegetative cover for all slopes. By enforcing a uniformly unimaginative cover types, DEP further impoverishes the landscape of West Virginia, limits game birds, and reduces the variety of songbirds and butterflies.

Another variable is that valley fills of different designs will have different runoff rates. The simplest example being the a valley fill of the

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same size and shape with 80% durable rock will have a faster discharge of water than a valley fill of the same size and shape with 60% durable rock. If the percent of rock is the same for two valley fills, but one has all the durable rock at the toe of the fill instead of through out, it should be both more stable and have slower discharge. If rock and size are the same, but one has reversed slope terraces and the other doesn't, the first will have slower runoff than the second.

A common public need across the West Virginia is a need for flood control. Yet the public use provision has never been used to address extra steps for reducing floods. Taking steps to reduce flooding would have a beneficial economic impact, yet the variance for economic use has never been approved for steps to reduce flooding. For example, the pure economics of crayfish farming and the economic need for a crayfish farm in Southern West Virginia would be hard to justify to the satisfaction of regulatory agencies so long as they only consider the price of crayfish in to their calculations. However if they would also consider the benefits that such a farm would contribute to the reduction of losses due to flooding then their calculations would be more accurate and fair to all.

In its interim regulations OSM had a rule against any depressions bigger than a square meter. Following that that time period, the Drainage Handbook became the standard in West Virginia. To this day the Drainage handbook still has a rule against depressions deeper than two tenths of a foot. As a consequence of the earlier OSM rule and the current rule there are very few wetlands on mined lands and those that do occur are of very poor quality. Another part of the reason that there are so few wetlands is that: 1.) the overall emphasis of the Drainage Handbook is to channel water off the mined site and 2.) there has been a regulatory agency tendency to consider every water retaining structure to be an impoundment so that even sediment ditches are required to be removed after mining. So the thought on the operational side has been why build something constructive, if you're going to have to destroy it later.

As a consequence vernal pools and ephemeral pools are rare.
Wet meadows are rare.
Wet forests are rare.
Absorption terraces are rare.
Zero runoff bench and berm systems are rare.
And I do not know of any crayfish farms on mined land in West Virginia. (an important food for wild turkey)

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All of these would result in more "organic energy" for aquatic organisms in the streams below the mining area.

Forest Ecology page 158 rainfall interception
Page 167 effect of wind
Page 260 Decreasing order of water consumption are: wet meadows, open water, grasslands, vegetable crops, bare soil
"Thus in the Lake States, the presence of northern white cedar in wet sites is indicative of seepage conditions where the water table is moving rapidly and relatively high in oxygen. With completely stagnant and oxygen-poor water, only black spruce and associated ericaceous species can grow."
Channels from decaying taproots page 269
Infiltration rates of 250mm per hour
293 In sand plains of Lake States, organic matter provides the major source of colloids for soil nutrition."
Look for page on allelopathic effects on N-fixation and presence of legumes and mycorrhizal fungi
1000mm per hour is that 50 inches per hour?

SEVEN POINT PROGRAM FOR ENVIRONMENTAL PROTECTION AND MORE JOBS IN WEST VIRGINIA
Eliminating unnecessary roadblocks and sowing the seeds for a more vibrant economy that will benefit everyone

By Lawrence T. Beckerle
LEGALIZE creating more types of WETLANDS, for example:

1.) Loggers are told by the Department of Forestry (DOF) that in order to comply with BMP's (Best Management Practices) they must cut slope all their skid roads, so as to eliminate pools of water. These pools are needed by frogs and salamanders to produce offspring. Their young come off a spring or other early spring wet area, so they truly are offspring. Turkey hens lead their baby chicks to these pools to drink and feed on insects. So even though these pools dry up in summer, they are important to wildlife. Pools and wetlands help water to soak into the land, which aids the growth of trees and other plants in the area. Productive lands generate more jobs than poverty lands.
2.) While cattail wetlands are allowed on strip mines, most of the other types are not allowed. For example: In the Drainage Handbook for Surface Mining depressions deeper than two tenths of a foot (2.4 inches) are prohibited for diversions and constructed drainways. Legalizing all types of wetlands from accidentally created tadpole pools, crayfish flats, to wild rice paddies would increase wildlife diversity.

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Water caught by these wetlands would help reduce flooding.

LEGALIZE more FLOOD CONTROL

There are number of ways to configure mine land to reduce the severity of flooding during heavy rains, but West Virginia only allows mountaintop removal mining and approximate original contour configurations. Other concepts are not allowed. There are a number of structures that have been proven to reduce flooding, but it is not legal to build them on mined land in West Virginia. (For example: Absorption terraces, zero runoff bench and berm systems.)

LEGALIZE the use of NATIVE PLANTS

1.) The West Virginia Department of Highways (DOH) lists only non-native plants for stabilizing cut slopes and fill areas on road right-of-ways. Wildflowers plantings you sometimes see are an exception to rules to use only non-native plants.
2.) West Virginia Black Cherry trees are valuable for songbirds and game animals. Black Cherry lumber currently brings more money than Black Walnut. If a coal operator or the landowner plants Black Cherry on mined land without the approval of The West Virginia Department of the Environmental Protection (DEP), it is considered a violation of the law. It should NEVER be a violation of the law to plant native wildflowers, shrubs and trees.

LEGALIZE more FISH AND WILDLIFE HABITAT, for example:

1.) Coal operators are not currently permitted to build raceways for trout and other fish, because these structures are not on DEP's list of approved structures. Operators are not allowed to create brush piles for rabbits to hide or birds to nest.
2.) Loggers are not allowed to put treetops or other wood pieces into streams to create pools favorable to trout and other animals. Regulators do not recognize that the reduction of the movement of wood from the forest to the sea is having an adverse effect on aquatic life forms that are necessary to the survival of freshwater fish and ocean fish such as tuna fish.

BIRD FRIENDLY LAND USES

Some Land Uses Helpful to the Re-establishment of Morning Dove, Bobwhite Quail, Prairie Chicken, Ruffed Grouse, Turkey
by Lawrence T. Beckerle

Copyright 2001, 2002
Adjunct Professor, Nicholas County Campus of Glenville State College

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19-3-2

Why should you care about these birds? Because as nature's hydroseeders they are more effective in establishing most fruit bearing type herbs, forbs, woody shrubs and trees than any mechanical hydroseeder. These plantings also benefit songbirds.

BOBWHITE QUAIL AND ASSOCIATED SONGBIRD HABITAT RESTORATION (A land use category for promoting native wildlife plants that have been reduced by urban sprawl and invasive non-native plants.

NATIVE MEADOW NURSERY FARMS for plants of economic or restoration value (especially WV ecotypes)

a.) Native grass propagation and/or seed harvesting fields

b.) Native nitrogen fixing plant propagation and seed harvesting fields

c.) Native forb, herb, or other wildflower plant propagation and seed harvesting fields

NATURAL HABITAT BERRY FIELDS >>>>>>>> go back to native trees, shrubs and vines for rural America for notes

a.) Silver Buffalo berry, Blackberry,

Blackhaw Viburnum or perhaps bayberry

b.) Huckleberry and/or blueberry, plus strawberry

c.) Aronia (Chokeberry), elderberry, aralia spp., red mulberry, or perhaps spicebush and/or American mountain ash

NATURAL HABITAT TREE/SHRUB nut/fruit ORCHARD

Hazelnut, nut pine, persimmon, walnut, or butternut... with low ground cover to aid harvesting

Plum, crabapple ...

NATURAL HABITAT MEDICINAL SAVANNA

RED ELM, plus Black Cherry, Cucumber tree, Elderberry, Blackhaw Viburnum & #61628; Use ground cover that aids beneficial insects

For neutral to alkaline soils: RED ELM, Bur oak, (Hackberry, Persimmon, Yellowwood), butternut, yellow chestnut oak

Native medicinal herbs or wild native

foods

NATURALIZING ORCHARDS FOR UNCOMMON TO RARE NATIVE PLANTS

Especially those that can survive a hydroseeder and thus be used in future land reclamation projects

Uncommon to rare native West Virginia plants (varieties, ecotypes and species (use crayfish pools to grow wet meadow plants

Nutrush (Scleria triglomerata) and four sided spikerush (Eleocharus quadrangulata) would need a crawdad (crayfish) type pool to produce seed

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ABSORPTION FIELDS for

Enhancing ground water recharge

To reduce need for sediment ponds and/or increase their efficiency.

To create moist pockets on slopes with less than 2% grade to favor plants like Pennsylvania smartweed, which is a highly preferred winter food for Bobwhite Quail. Several hollies, dogwoods, nutsedge, and even chufa, sunroot

To create the kind of wetlands being missed by upland birds, especially

Vernal and Ephemeral pools that favor grasses and forbs with grain type seed for a true wetland meadow effect. For more design information on absorption, see original S-113-85 permit.

Valley Fill STREAM ELEVATION PROJECTS

A.) To make possible above land uses as well as other productive uses of disturbed land. As steepness of land increases, erosion control must take precedence over all other environmental and management concerns. It is hoped that these few examples will help interested parties to see the advantages to our state's future in reducing the overall steepness of mining land in West Virginia.

B.) Elevated streams can help create oxygen rich water to counteract the adverse effects of drainage from septic tanks and sewage treatment plants. Even without increased oxygen, mine water can act as a counter balance to sewage type effluents, thus making the fish that live in those streams safer to eat.

-Get bigger plants by reducing amounts of seed used in sowing. Bigger plants result in stronger, deeper taproots, and more seed for birds.

SOME SLOPE LIMITATIONS FOR HABITAT RESTORATION PROJECTS

for Morning Dove, Bobwhite Quail, Ruffed Grouse, Prairie Chicken, and Turkey
by Lawrence T. Beckerle

Copyright 2001

Adjunct Professor, Summersville Campus of Glenville State College

0-2% Slopes are great for vegetative water filters, reeds, sedges, sunroot, duck potato, and other moisture loving plants. Can lead to mud flats, soils that are easily probed for food. Nitrogen fixing plants favor earthworms. Both conditions favor American Woodcock.

5% is a steep grade for a highway. DOH posts warnings, constructs escape ramps, reduces speed limits, especially for trucks.

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10% (+/- 2%) Limit for leaving open bare ground for dove feeding and loafing, and volunteering of early successional annuals.

limit for most productive farmland
cover crop and/or past crop residue left on surface to retard erosion until next crop planted.

15% maximum safety limit for trucks to dump topsoil, topsoil substitutes, and soil amendments.

The "sawdust project" and the stocking of Bobwhite Quail would never have taken place if the mined land had been steeper than 15 percent.

Limit for most productive types of cover that will allow baby chicks to feed on the ground and to catch insects.

Limit for the type of plant cover that will best encourage the growth of trees and shrubs.

25% maximum safety limit for harrowing, disking, planting, drilling along the contour to retard erosion.

mechanical planting of trees must be done along contour to retard erosion

limit for band fertilizer placement along the contour

limit for most grain harvesting combines and most other seed harvesting equipment.

36% (plus a fraction) equals 20 degrees, the legal definition of steep slope mining.

limit for most tree shearers and whole tree harvesters

limit for revegetating land without use of some kind of artificial nonliving mulch: hay, straw, paper or wood fiber.

40% approximate safety limit for "bush hogging" (up and down hills) for specially equipped tractors. So the only way to control nonnative invasive plants is through control burns and/or use of herbicides

Slopes at 40% and above almost the exclusive domain of hydroseeding, which excludes plants whose seed can't survive a hydroseeder. Many more plants can't survive the intense grass competition necessary at these steep slopes.

50% maximum safety limit for dozer to grade most fill materials.

70-80% approximate original contour in much, even most of the mining areas in Boone, Logan, and other counties in Southern West Virginia.

SUMMARY OF SOME NEEDED CHANGES IN PRIORITIES on slope issues TO FAVOR NATIVE FLORA AND FAUNA

19-3-5

0-2% just a few plants needed to act as starters
 2-7% handle like row crop agriculture
 allow bare ground if disked along contour so ridges
 formed by disk catch water, preventing runoff

Under 15% slope: Percent cover should be limited to less than 30% and perennial grasses & forage legumes should not be planted, so as to encourage native forbs, herbs and other wildflowers. In general only annuals with at least one reseeding annual should be required for bond release. Areas with non-natives too aggressive to allow native forbs and/or herbs to prosper should be herbicide or opened up with a disc before a bond request is granted.

15 to 25% slope: Percent cover requirements should be from 30 to 50%. A perennial forb should be included, but one that is short enough or low enough on aggression to allow plants such as rye to reseed from one year to the next. Grain type foods provide essential winter feeding areas for Bobwhite Quail, Ruffed Grouse, Prairie Chicken, and Turkey.

Over 25% slope: Though it becomes necessary to include a perennial grass for erosion control, such grasses in total should not exceed 50% of the stand. An exception might be made when the average slope of the land exceeds 40%, but even then forbs should be at least 25% of the stand. Because of the compaction that occurs with "tracking in" this practice should be limited to slopes in excess of 36%. Ground cover should be from 50 to 75% for erosion control and still allow the growth of Solomon seal and False Solomon Seal.

Over 40% slope 90% ground covers should be reserved for slopes over 40%

WILDLIFE NEED A MOSAIC OF HABITAT TYPES TO PROSPER

The following excerpts from several of my papers help to illustrate ways to create the needed habitat diversity. Current regulations for the mining industry effectively prohibit most of these techniques hindering effects to restore butterflies, songbirds, game birds, and native plants.

Native Wildlife Seed Mixes (a few non-native nurse/cover crops) for Road Cuts, Fills, and Right-of-Way Construction (for electricity, gas, water) by Lawrence T. Beckerle

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2003

Introduction:

The primary advantage of disturbed land in an ecosystem is to allow pioneering plants to provide more nutritious forage, seed and/or fruit for animals.

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Where plants provide nutritious food that supports an abundance of insect life, and also enable young birds (chicks & young poult) to feed on those insects, it is referred to as brood habitat. Brood habitat is essential for young birds to become adults. For example: Bobwhite quail chicks live almost exclusively on insects (Beetles make up almost 50% of their diet, particularly ground beetles, leaf beetles and weevils...). Turkey chicks depend more on grasshoppers. Good brood habitat will have lots of beetles, grasshoppers, crickets; plus a tall grain, bramble, or other vertical cover that interferes with the ability of avian predators to swoop down for a kill. Some grasses inhibit birds from feeding on insects by hindering their ability to walk, run, & hide. 2' tall chicks of Bobwhite quail (which weight less than ounces) need these breaks to survive. The chicks of Ruffed Grouse are about twice the size of a bumblebee with long legs. So as a rule of thumb: If a horse won't eat it and a bumblebee can't walk around or fly through it, it's not suitable for brood habitat.

And if the plants you use are too aggressive for asparagus, strawberries, rhubarb, sunflowers and/or turnips to grow in the first years after planting, it's not good brood habitat.

Nurse crops prevent germination of those weeds that require full sunlight and retard the growth of those weeds that prefer full sunlight. They protect slow growing, often-delicate seedlings of perennials from drying winds and other environmental stresses. Black Locust is used as a nurse crop for Black Walnut and other hardwoods. Young locust helps to protect other seedlings from deer. It produces light shade that thins out even more as insects eat the leaves. It plays host to bacteria that fix nitrogen in its roots. Its leaves readily decay, making nitrogen plus other nutrients available to microorganisms and plants. Sowing red clover in a wheat field in February is both an example of frost seeding and using fall sown wheat as a nurse crop. For a mid March sowing there may not be enough freeze-thaw action left to adequately bury seed, so farmers use livestock to walk in the seed. Sowing rye in a standing crop of soybeans near harvest time (just before 50% of the leaves fall) is an example of relay cropping. As leaves of the soybeans fall, the surface of the soil retains more moisture and the seed of rye begin to germinate. By the time the soybeans are harvested, the rye is fairly well established, so there is less chance of erosion with relay cropping. As a relay race can involve more than two runners, so relay cropping can involve the succession of more than two crops. When the same crops used for nurse cropping and/or relay cropping are mainly used to increase organic material, particularly if they are plowed down prior to the next

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crop, they are referred to as green manure crops. A cover crop is any crop used to hold the soil in place between other uses. For example: White clover sown in an apple orchard is a cover crop. As is rye sown on a topsoil stockpile. Fall sown rye that is later killed by herbicide just prior to the no-till planting of corn (in the following spring) is a cover crop.

It's far cheaper to sow grasses such as Indian grass into an appropriate nurse crop species at the appropriate time, for example: mid May into a pure stand of Crimson clover that was established the previous August or September. Since several warm season natives do not germinate until soil temperatures reach 70 degrees, it maybe more practical to sow those seeds earlier into a Crimson clover stand. Dwarf Essex rape makes a showy yellow in April. Since it gets so much taller, a top sowing of a warm season species must be done in about February. This would work for Switchgrass and others with semi-dormant late spring germinating seeds (requiring soil temperatures above 70 degrees). Cool season natives can be established along with Crimson in Aug-Sept, such as Mountain ricegrass (*Oryzopsis* species)

Some seeds are intermediate in size and free flowing and so mix in well with clover seed for broadcast sowing and use in a typical no-till drill. Sometimes called pasture renovation drills, they are available from the WV Soil Conservation districts for \$25 per day rental (plus a few dollars per acre). At least 60 of the grasses native to WV fit this category. Deertongue, Switchgrass, prairie dropseed (officially native to Ohio and Pennsylvania, but not WV), mountain rice.....

Some seeds are so large that they are easier to plant using a small grain type drill, such as Eastern gamagrass, American Beakgrass, *Paspalum* species, and peanut grass. The hydroseeding fad has precluded the use of many native plants, especially seeds that split easily after they have been wet for awhile, such as the wild beans that are related to our garden beans. Hydroseeding establishes a bias against seeds that cannot tolerate the salt of fertilizer and other conditions of the hydroseeder. Seeds that evolved to pass through the digestive system of animals generally do well being passed through a hydroseeder. Other seeds have evolved to be wind blown, to float on rainwater (or to be carried off by heavy rains), to twist themselves into the ground, to be carried off by ants, and/or to be stored by rodents. Some seeds that rely on water for transport will survive a hydroseeder. Most of the rest will not. This is only one of the several reasons hydroseeders are less than adequate for establishing most plants.

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Another problem with hydroseeders is that they kill much (often all of) the inoculant needed by nitrogen fixing plants. These plants help to cut out the application of nitrogen fertilizer, which encourages weeds and pollutes streams. Adding gypsum loosens soils and aids nitrogen-fixing plants. A sulfur, potassium, magnesium fertilizer (sulfo-po-mag) (0-0-22-11-22) is also useful.

Ornamental native grasses: "Yellow " and Scribner's Panic grass, Prairie dropseed, yellow striped Crinkled Hairgrass, Plumegrass (*Erianthus*) and wedge grass (*Sphenopholis*) have also been used ornamentally. Holy grass has been collected to the point of eliminating wild populations of this species. Beard grass has some potential as an ornamental.

Members of the Sedge family are often called grasses. Some of the more interesting species in this family include Pennsylvania sedge (sold and planted by plugs) for cut slopes and other dry barren areas (maximum height is 4 to 6 inches). Cotton grass, Wool Grass, are used ornamentally on moist to wet soils. Nutrush (annual or perennial) will grow on dry or wet soils. 2-3 mm-bony seed

A number of native wildflowers are often used like grasses, such as: Blue-eyed grass (4-20"), Yellow stargrass (8-12"), spring beauty (4-12"), Miami Mist, Virginia Meadowbeauty (12-18"). On dryer sites you can find: Early spiderwort, violets, violet wood sorrel (4-8"), pussytoes, star chickweed, slender dayflower, and geranium maculatum. On the driest of mowed areas you can find orange-grass, orange puccoon (2-20") and Birdsfoot violet (2-6"). Prairie zinnia 6" is native to the Great Plains & is used in lawns. Please remember that some grasses (Tall Fescue and Smooth Brome) are highly invasive and put allelopathic compounds in the soil, so these can interfere with the best laid plans. Often have to establish a resistant annual until those chemicals dissipate. Lawrence T. Beckerle

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Many of the sites I reclaim are small (less than 2 acres) and in rather inaccessible locations, as a result I often use my Bronco II both as a four wheeler and farm tractor. However on those occasions when I can bring in a limestone spreading truck the following procedure is used.

Limestone trucks are generally limited to spreading lime when the land is fairly dry, which in West Virginia occurs through the summer months into fall. Limestone trucks are also used to spread fertilizer when the rate of fertilizer used is around 300 pounds per acre or above. At limestone plants and fertilizer plants the operators are able to mix in seed when they

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load the trucks. Rye wheat, oats, buckwheat, pearl millet, Dove proso millet, German millet, browntop millet are among the seeds that are commonly mixed in this way. The cost is minimal for adding seed at this time. For example: a fifteen-ton load of dolomitic lime at \$40 per ton would cost \$600. If 100 pounds of rye is mixed in, they would charge \$22 for the rye. If spreading at the common rate of 3 tons of lime per acre, rye is sown at the rate of 20 pounds per acre, which is enough in most cases as a quick cover and as a nurse crop.

If the lime and/or fertilizer are to be disked in (as they should be for maximum effectiveness), a higher rate of seed is used. It's cheaper to increase the amount of these rather inexpensive seed, then to have to follow up with applying these seeds at a later time.

The same technique can be used with the (three point hitch) bulk fertilizer spreaders that farmers use on their farm tractors, if one has the set up (or the hand labor) to get an even mix of seed and lime or fertilizer. If the farmer has either a row crop planter or a small grain drill, he will use these on newly plowed ground to plant seed and apply fertilizer. If he is planting into a field that isn't plowed, he will use a pasture renovation drill (no-till drill) to plant the seed. (Or he could top sow the seed by grazing down the field, sowing seed and then lightly disking. Or he could sow in February for some small seeds, which freezing and thawing will then work into the soil.) If he were trying to establish a fluffy seeded species, he would generally try to rent a "warm season grassland drill".

Good used row crop planters and small grain drills can often be purchased at farm auctions for less than \$1,000. Sometimes they only bring \$100 at a sale. Pasture renovation drills can be rented from district headquarters of the West Virginia Conservation Agency for \$25 per day and a few dollars per acre. A few have grassland drills for rent. \$5,000 to \$20,000 is the typical purchase price range for "warm season grassland drills".

To someone not familiar with cost effective grassland farming the above may seem rather confusing, so here's an example that might help:

A contractor is due to finish a job by August 1st, so the lime truck arrives on that day to spread agricultural limestone. A week later the inspector makes the contractor regrade some of the area because the finish grade isn't up to specifications. Meanwhile someone forgot to schedule the no-till drill, and so area farmers have it tied up for the next two weeks. Plus the DEP inspector just showed up to complain about the regarded area that hasn't been sowed with seed. So Johnny on the spot brings

19-3-5

out his special broadcast seeder. He sows seed larger than 2mm (taking about one hour to sow two acres). Then uses a flexi-tine (drag) harrow to cover the seed. (Four wheelers, small tractors, cars, trucks, dozers, and so on can pull these harrows.) After this he sows seed that is smaller than 1.5mm on top of the freshly loosed soil.

A week later someone realizes that the contract also called for 500 pounds of gypsum per acre and 100 pounds of 6-24-24 per acre. So a farm tractor or four-wheeler is brought to the site to spread these. But the soil is very dry and no one has told him if anything was sown besides the rye. So to be on the safe side he mixes in Crimson clover (that has freshly attached rhizobium inoculant) and some turnip seed or rapeseed. He hooks the drag harrow to the hitch on the fertilizer spreader. As he spreads the gypsum and other fertilizer, the seed is also sown and covered in the same trip. A pick up truck with an electric fertilizer spreader can also spread seed and fertilizer and cover in one pass by pulling a drag harrow.

Everything is fine until someone notices that one of the wildflowers used isn't supposed to be sown in August or September. It happens to be one of those species that does best when sown in late winter or early spring. Since its seed is no bigger than the seed of red clover (and since Crimson clover and the other species sown in August permit the introduction of other plants), a decision is made to sow this native wildflower in mid to late February and let Mother Nature work the seed into the soil (by way of freeze thaw action) as it has done for thousands of years. But it's hard for many folks to understand "frost seeding" or why it is far better to sow some wildflower seeds on snow (preferably melting snow) in February than to wait until spring.

Partridge pea is an example of a seed that is too big to work into the soil by freeze thaw alone. So it should be planted, preferably in March for maximum growth and flowering. (Note: this annual makes acceptable growth if planted as late as June 30th). To save money and time on seeds that prefer to germinate during the February-March thaws, farmers will sow them in March and then use cattle to walk the seeds into the soil. This process can be simulated by a number of other techniques.

Crimson clover is at the size (about 2mm long) where it can benefit from covering by a drag harrow. Instead of using a flexi-tine drag harrow, some people prefer to use a spike tooth harrow (that attaches to the three point hitch on a farm tractor). They are convenient and cost only about \$300. However on soils where they would cover Crimson clover too deeply, seed the size of Crimson clover should be sown on top after harrowing is finished.

19-3-5

The above examples for establishing wildflowers also help to illustrate the convenience of other seed establishment times. Many warm season perennials that are adapted to very droughty soils prefer the February-March sowing and planting period. The late summer and early fall planting period is preferred by winter annuals, many biennials, and plants whose seeds are very susceptible to drying out and/or have a rather exact cold dormancy. For seeds that are best sown as soon as they are collected and for species that need to germinate around the end of summer in order to make enough growth before winter sets in, the time period of August 1st to October 15th must be considered.

The name generally used for this time period is "the fall planting season", even though part of this time period is officially late summer and part is early fall. Crimson clover is normally sown during this time. It is easy to establish, relatively cheap, non-aggressive, can be used as a nurse crop, and so success and failures with it can help growers understand what they need to do to establish plants with somewhat similar sowing requirements. I generally sow Crimson clover at the rate of ten to fifteen pounds per acre with four ounces of turnip seed (or rapeseed) for a bright yellow contrast to the crimson color. But as can be seen in the below list, there are native flowers that can create this color combination.

West Virginia ecotypes should be used when ever possible, so information on collection is provided. Seed from initial wildflower plantings can then be harvested, increasing the efficiency of future wildflower plantings. While generally emphasizing the showiest of wildflowers, it is also possible to use plantings to propagate natives especially useful for stabilization of road cuts, banks, and fills. For example: The ground hugging Trailing bushclover (*L. procumbens*) and Creeping bushclover (*L. repens*) could be a part of plantings on dry soil. Their seeds are about 2mm long. Capsules are about 3 mm long. In October the area could be harvested with a wild seed harvester or the area could be mowed and the seed screened out from the cuttings. Screening for seed from lawnmower type cuttings works best for the heavier seeds that are generally free flowing.

Note: Some comments may seem to be redundant, for example. Slope limitations are described in a number of ways to help explain the concept and to help explain how it might be applied. The comments dated January 5, 2004 put the essential slope classifications in what is probably the simplest form for most people.

19-3-5

For Bobwhite quail, seeds need to fall on bare ground for these and several other ground feeding birds to be able to find enough food. Blackberry thickets (where old canes cover the ground instead of grass) are needed to provide these birds with adequate protection from nighttime predators.

7-2-5

Note of request for help with WV DEP on this issue: If DEP were to "strongly recommend" native ground covers, a number of benefits could result. For example: The native *Paspalum* grasses can grow in any disturbed soil that the non-native ryegrasses can grow in. These grasses grow in many lawns across the state of West Virginia. Several of the native *Paspalum*s make good lawn grasses, produce palatable forage and produce nutritious seeds (that are nearly as nutritious as oats).

If WV native *Paspalum* grasses were "strongly recommended" by DEP, then homeowners would have an incentive to screen their fall lawn cuttings for *Paspalum* seed and sell it to the coal companies. While supplies of native *Paspalum* seed would initially be limited (DEP would have to make allowances for that), the long-term result would be to help create a new industry in West Virginia.

Northern dropseed, sand dropseed, and tall dropseed are also valuable for wildlife, are very compatible with the growing of trees, and are quite drought tolerant. DEP should encourage use of these grasses as well.

Among the nitrogen fixing ground covers, DEP should also encourage the use of Butterfly pea, Spurred butterfly pea, bundleflower, milk pea, partridge pea, prairie acacia (the only thorn less acacia native to the United States), sensitive-brier, small wild bean, trailing wild bean, and other useful native nitrogen fixing plants.

Among the quick cover plants dove weed (*Croton* species) and similar natives should be "strongly recommended".

19-3-5

Since DEP rules and recommendations often sets standards in the market place as to what is produced and sold, it is imperative that DEP be more responsible in what it demands in the way of revegetation plans.

For example: By creating a market demand for European black alder, DEP helps to insure that European black alder will be planted on other lands in West Virginia. The West Virginia state tree nursery produces only what it knows it can sell. Since mining companies cannot readily use the vast majority of native trees and shrubs, the state tree nursery cannot justify producing seedlings of most native trees and shrubs. Thus to a large extent DEP determines what

trees and shrubs are planted across the state of West Virginia.

19-3-5

Comments on EIS
By Lawrence T. Beckerle
PO Box 118,
Craigsville, WV 26205

Page 1

Could better discern what the effects of valley fill were if one knew the percent slope of the land above it and could statistically separate out the effect of steep slopes from the size of valley fills. The problems being attributed to valley fills may be due to the steep slopes above those valley fills. And it is very possible that larger valley fill that make possible a reduction of steepness of slope on the land above the valley fill will have less runoff than a small valley fill with steeper land above it. However without information on the slope of the land, it will be hard for scientist to make these determinations. (The irony is that Illinois, which is much flatter than West Virginia keeps records on steepness of slopes, and West Virginia ignores the issue.)

Slope information needs to be cataloged here in the mountains just as well

Regulations could be improved by a consideration for steepness. For example: to control erosion, one needs to have more vegetation (or other erosion control measures) on a 40% slope than a 4% slope (grade). But for revegetation purposes DEP treats all land the same, even that which is ten times as steep as the land preferred by farmers and most homeowners. If DEP had logical vegetation requirements for different grades of land this would help quail, which prefer a patchwork pattern of vegetation. (Since plant species vary in their sensitivity to competition, a greater diversity of plant life will be permitted by this change.)

For example:

The typical grade of a wet meadow (and some forest wetlands) is 1%. Anything over 2% generally becomes a mound or relatively dry island. There could be a category for land with an overall grade under 2%, so the public could know whether enough wet weather pools, wet meadows and wet forests are being created to sustain wildlife that depend on these habitats. The typical grade for a highway is 4% or less. (Note that DOH puts up signs warning of a steep grade ahead for highways that have a 5% or greater grade.) There could be a category for land no steeper than the typical highway. The safety limit for dumping a load from a truck is 15%. There could be a category for regarded mined land that is safe enough to operate a dump truck. 16.6% used to be the standard for the pitch of a roof on mobile homes (also described as 2" fall per 12"). Now the standard is 20%. (2 1/4" fall per 12") The safety limit for operating a farm tractor along the contour is 25%. There could be a category for land safe enough to operate a farm tractor (along the contour and thus aid the use of soil conservation practices). (25% is the standard pitch for a roof on a house, (which a contractor would refer to as 3/12 or 3" fall per 12"). Finally there could be a category for land too steep to operate to operate a farm tractor along the contour and is steeper than the roof on the average American's house

However rather than match cover type with the steepness as one would do for a play ground or roof on a house, DEP insists on the same kind of vegetative cover for all slopes. By enforcing a uniformly unimaginative cover types, DEP further impoverishes the landscape of West Virginia, limits game birds, and reduces the variety of songbirds and butterflies.

Another variable is that valley fills of different designs will have different runoff rates.

The simplest example being the a valley fill of the same size and shape with 80% durable rock will have a faster discharge of water than a valley fill of the same size and shape with 60% durable rock.

If the percent of rock is the same for two valley fills, but one has all the durable rock at the toe of the fill instead of through out, it should be both more stable and have slower discharge.

If rock and size are the same, but one has reversed slope terraces and the other doesn't, the first will have slower runoff than the second.

A common public need across the West Virginia is a need for flood control.

Yet the public use provision has never been used to address extra steps for reducing floods

Taking steps to reduce flooding would have a beneficial economic impact, yet the variance for economic use has never been approved for steps to reduce flooding

For example: as the pure economics crayfish farming and the economic need for a crayfish farm in Southern West Virginia would be hard to justify to the satisfaction of regulatory agencies as long as they only consider the price of crayfish in to their calculations. However if they would also consider the benefits that such a farm would contribute to the reduction of losses due to flooding then their calculations would be more accurate and fair to all.

17-1-2

In its interim regulations OSM had a rule against any depressions bigger than a square meter. Following that that time period, the Drainage Handbook became the standard in West Virginia. To this day the Drainage handbook still has a rule against depressions deeper than two tenths of a foot. As a consequence of the earlier OSM rule and the current rule there are very few wetlands on mined lands and those that do occur are of very poor quality. Part of the reason that there are so few wetlands is that: 1.) the overall emphasis of the Drainage Handbook is to channel water off the mined site and 2.) there has been a regulatory agency tendency to consider every water retaining structure to be an impoundment so that even sediment ditches are required to be removed after mining. So the thought on the operational side has been why build something constructive, if you're going to have to destroy it later.

6-6-5

As a consequence vernal pools and ephemeral pools are rare.
Wet meadows are rare.
Wet forests are rare.
Absorption terraces are rare.
Zero runoff bench and berm systems are rare.
And I do not know of any crayfish farms on mined land in West Virginia.

14-3-5

All of these would result in more "organic energy" for aquatic organisms in the streams below the mining area.

Page 2 of comments on EIS by Lawrence T. Beckerle

Skijaba@aol.com

To: R3 Mountaintop@EPA
08/17/03 11:15 AM cc:
Subject: life of the mountain

Dearest those who care for us, please take time to think of the long term vision of the effects of mountaintop removal: wildlife habitat destruction with resulting extinction of flora and fauna, Changes in the air and weather, and loss of clean water sources for humans, animals and vegetation. The wars of the future will not be about fossil energy, the wars of the future will be about usable water. We are already getting warnings of this in our lives. Please awaken to our children's best interests. Any greed based industry only contributes to our children's trials and tribulations.
sincerely,
barbara beer

1-9

--- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM ---

"tricbee@yahoo.co
m" <tricbee

To: R3 Mountaintop@EPA

cc:

01/06/2004 12:33 PM Subject: Please Stop Destructive Mountaintop
Removal Mining
PM

Dear Mr. John Forren, Project Manager,

How can the Bush administration support mountaintop removal mining?
This harmful practice destroys the environment and devastates the people living in
small towns in Appalachia.

I have been horrified reading stories about the destruction caused by this form of coal
mining. How on earth can the Bush administration justify making it easier for coal
mining companies to turn wilderness into wastelands?

Please do what is necessary to protect the nature and residents of Appalachia.

Sincerely,

Tricia Behle
1433 Superior Ave. 326
Newport Beach, CA 92663
tricbee@yahoo.com

REC'D AUG 20 2003

Aug. 2003

Dear John Forren, USEPA

Please take time to think about our
children's future. Mountains, forests, animal
habitat and water are a web where everything
is connected to everything to live. No
useable water will soon be most important.
The wars of the future will be about water.
You know mountaintop removal industry is a
greed based business; truly the worst
environmental, intentional disaster now.
Do the right thing for all. Awaken!

Sincerely

Barbara Beer

1-9

1-9

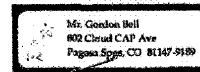
Mr. John Forren
U.S. EPA
1650 Arch St.
Philadelphia, PA 19103
Email- mountaintop.r3@epa.gov

REC'D DEC 22 2003

I oppose the practice of mountaintop removal mining. This mining is destroying our communities, homes and lives. We are constantly flooded, in homes that we have spent our lives in. We are being pushed out of our homes by the destruction caused by mountaintop removal mining. Our roads are being shut down ever time it rains this makes our rescue personal useless to us. Our tax dollars are what fixes all the mess caused by the mining going on around us. No wonder mining is so profitable we as citizens pick up the bill on the devastation caused by the mine companies. Please stop this insanity its killing out entire communities. Not to mention the effects it's having on our environment. The habitats of our animals are destroyed, running the wildlife away. Our streams are filled with rock that the mine companies pile into these valley fills. The waters get up and have no where to go but into peoples homes. Our mountains are exploding with water. These outbreaks come out into people's yard and underneath their homes. Our homes are literally being blasted off their foundations or the earth is opening up and swallowing them. Please stop the practice of mountaintop removal coal mining and save our homeland, our children's future and very possibly our lives

1-9

Name Bob Bell
Address Box 484
Danville, W.V
Phone 369-0569
Email _____



REC'D JAN 05 2004

Dear Mr. Forren,

Please do not weaken
environmental protections to
the practice of mountaintop
mining.

1-10

Sincerely,
Gordon D. Bell
Gordon D. Bell
802 Cloud CAP Ave.
Pagosa Springs CO,
81417

REC'D DEC 19 2003

December 17, 2003

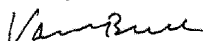
Mr. John Forren EPA
U.S. EPA (3EA30)
1650 Arch St.
Philadelphia, PA 19103

Dear Mr. John Forren EPA,

I am writing in regards to the Bush administration's plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests and bury streams in the valleys below. This type of mining is immensely destructive to the natural environment and also exacerbates health and environmental problems for an already struggling population. Mountaintop removal mining and valley fills should not be allowed and the laws and regulations that protect clean water must not be weakened. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. This rule should be strictly enforced for valley fills and in all other cases.

I'm disappointed and angry that the federal government ignored its own studies when it proposed weakening, rather than strengthening, protections for people and the environment. I do not support any of the three alternatives contained within the Environmental Impact Statement Report. All three options will make it easier for companies to destroy streams, endangering wildlife and nearby communities.

Sincerely,



Vaughn Bell
10 Vinton St Apt 1
Boston, MA 02127-3527

DeliveredDate: 01/07/2004 08:10:51 PM

I feel I should pinch myself to make sure that the practice of "mountaintop mining" isn't the product of some nightmare I'm having.

Let me see if I've got this straight. Mining companies hire a few people to pilot gigantic machines over rural West Virginia, obliterating the tops of mountains and destroying the intervening valleys with waste, clogging streams and creating conditions for future flooding and erosion. In return for the paychecks offered to the few humans involved in this process, the people of West Virginia "benefit" by having the very landscape they inhabit trashed and denuded for centuries at least.

I regard this kind of policy as being nothing better than utterly foolish, short-sighted destruction inflicted by a few greedy men with no regard for generations to come. I abhor it absolutely.

Joe Bergeron
2732 King St.
Endwell, NY 13760

1-9

1-10

1-5

1-9

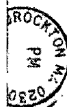
Mr. David J. Berkland
302 Mansfield St
Sharon MA 02067-3129

REC'D JAN 05 2004

I am against
mountain top removal
mining.
Do not weaken
environmental protection
to protect from
mining practices
protect from
pollution and
erosion.

Thanks
[Signature]

DAVID J. BERKLAND ASSOCIATES
302 Mansfield Street, Sharon, MA 02067



1-9

1-10

JOHN FORRELL
U.S. ENVIRONMENTAL PROTECTION AGENCY (3EAB30)
1650 ARCH ST.
PHILADELPHIA, PA. 19103

REC'D JAN 05 2004

RE: MOUNTAIN TOP REMOVAL ENVIRONMENTAL IMPACT STATE-
MENT (EIS)

MY WIFE AND I HAVE BEEN COMING BACK TO OUR BE-
LOVED HILLS FOR 50 YEARS, ENDURING THE SORROW OF
YEARS OF DESTRUCTION BY COAL MINING INTERESTS AND
CLEAR CUTTING OF FORESTS BY LUMBER COMPANIES AT
THE EXPENSE OF THE EXPLOITED PEOPLE OF APPALACHIA.
NOW, IN RECENT TIMES, THE HORRORS OF MOUNTAIN TOP
REMOVAL (STILL CALLED COAL MINING) IS WORKING TO FINISH
OFF THE USEFUL ENVIRONMENTAL REMNANTS OF THE HILL
COUNTRY.

AFTER 4 YEARS OF STUDY, THIS NEW MINING PROCEDURE,
THE ADVERSE IMPACTS TO AQUATIC AND TERRESTRIAL ECO-
SYSTEMS BECAME EVIDENT AND SO WAS DULY DOCUMENTED.
YET THE PROPOSED ALTERNATIVES IN THE (EIS) OFFER
NO MEANS OF ADDRESSING THOSE IMPACTS. ALL IS PRO-
POSED IS THE STATUS QUO, WITH A PERMITTING PROCESS
THAT RUBBER STAMPS ANY PROPOSALS OF MINING INTERESTS
WITH ALMOST A CONSPIRATORIAL COLLABORATIVE EFFORT BY
AGENCIES INVOLVED. ONLY THE U.S. FISH AND WILDLIFE SER-
VICE DEMURRED FROM THE (EIS) CONCLUSIONS, STATING THAT
THE PROPOSED ALTERNATIVES OFFER NO SUBSTANTIVE MEANS
OF ADDRESSING THE SERIOUS IMPACTS FROM MOUNTAIN TOP RE-
MOVAL.

DESPITE SCIENTIFIC CONCLUSIONS THAT SUPPORT VALLEY FILL
(CONTINUED)

1-9

1-5

2.

RESTRICTIONS, MOUNTAIN TOP REMOVAL PROPOSALS ARE RESTRICTED OUT OF HAND.

THE CLEAN WATER ACT SHOULD BE THE BASIS FOR CONTROLLING ACTIONS AFFECTING VALLEY STREAMS AND WATERSHEDS. NO CHANGES SHOULD BE MADE TO WEAKEN LAWS AND REGULATIONS THAT PROTECT OUR PRIMARY RESOURCE CLEAN WATER. RESTRICTIONS SHOULD BE BASED ON THE SIZE OF VALLEY FILLS, CUMULATIVE IMPACTS, TYPES OF STREAMS AFFECTED, OR VALUE OF THE AQUATIC RESOURCES IN THE REGION. BUFFER ZONES MUST BE MAINTAINED THAT PROHIBIT MINING ACTIVITY WITHIN 100 FEET OF STREAMS. THE ANTI-DEGRADATION RULES OF THE CLEAN WATER ACT TO PROHIBIT THE USE OF VALLEY FILL SHOULD APPLY.

1-10

IN SHORT, MOUNTAIN TOP REMOVAL IS TOO DESTRUCTIVE TO MMR AND HIS ENVIRONMENT TO BE ALLOWED TO CONTINUE AND LEAVE SUCH A GRIM LEGACY IN THE APPALACHIAN COMMUNITY.

1-9

Michael E. Bialas

MICHAEL E. BIALAS

3941 E. 37TH PL.

TULSA, OK 74135-2206

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

BBfromcsun@aol.co

m

To: R3 Mountaintop@EPA

cc:

01/04/2004 03:24

Subject: mountaintop mining

PM

To Whom It May Concern, Please do not allow mountaintop mining to occur unless strict limits are placed upon its continued use. The prospect of 350 more square miles of Appalachia laid waste by this pillage of the environment is unacceptable! Let's be "stewards of the Earth", not destroyers of it -- it's the only Earth we have. Thank you!

1-9

Bonnie Biddison, 653 Oak Run Trail,
#209,
Oak Park, CA 91377

CHARLES R. BIGGS
P.O. Box 127
Berkeley Springs, WV 25411

(304) 258-8477

August 19, 2003

Mr. John Forren, US EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

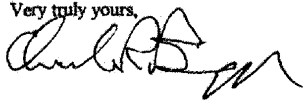
Subject: Draft Environmental Impact Statement on Mountain top Removal

Dear Mr. Forren;

I find it difficult to believe that despite having accumulated 5,000 pages of study documenting the damages which the existing practices of mountain top removal strip mining have caused to water quality, air quality, and quality of life to neighbors the Draft EIS makes no recommendations regarding proposing alternates or even forbidding the practice completely.

Also as a civil engineer who has spent more than forty years in the practice of designing and constructing foundations for buildings and highways I can not believe that the loose unconsolidated fills produced by the manner in which the valley fills are placed will result in a suitable medium for the foundations of roads, buildings or even park land structures. This type of a fill, in my experience, would never be suitable for supporting any structures.

Very truly yours,



cc: WV Highlands Conservancy

REC'D AUG 21 2003

----- Forwarded by John Forren/R3/USEPA/US on 01/04/04 02:36 PM -----

Cathie Bird
<iamhawk@bellsouth.net>
To: John Forren/R3/USEPA/US@EPA
cc:
Subject: mtr and vf eis comments
01/04/04 01:56 PM

Thanks for the opportunity to comment on the findings and recommendations of the mountain top removal and valley fills EIS. After reading through this very large and challenging document, I do not feel that I can endorse any of the options presented.

I live in the Elk Valley area of Campbell County, Tennessee, just south of the Kentucky border. During the past year my neighbors and I have been concerned about the 2100-acre Zeb Mountain project which features cross-ridge mining—a form of mountain top removal. Many citizens and groups in Tennessee are concerned with mountain top mining and valley fills, and I am disappointed that Tennessee's issues and history with MTR had such minimal attention in the EIS and that opportunities for public meetings were virtually non-existent.

I am further concerned that the nature and consequences of cross-ridge mining were not adequately addressed. In Tennessee there have been few if any permits for Mountaintop Removal. Instead OSM's Knoxville Field Office has been issuing permits for other types of Mountaintop Mining. Over the past 10 years OSM's Knoxville Field Office has issued five permits for "Cross Ridge Mining." I view Cross Ridge Mining as a type of Mountaintop Removal and am opposed to this practice. The use of a different name for what amounts to basically the same practice is a cynical attempt by the industry and regulatory agencies to avoid the scrutiny that has been focused on Mountaintop Removal.

My main concern is that valley fills and the 100' stream buffer zone are not adequately addressed by any of the alternative actions. The EIS appears to substantiate scientific studies, as well as common sense and local experience, that mountain top mining and valley fills impact headwater streams as well as downstream conditions. In Section III-D the EIS summarizes eight potential impacts such as loss of upstream energy from buried stream reaches and changes in chemistry, flow and sedimentation downstream. That's why I'm really confused about why we're still talking about messing with the 100' stream buffer zone rule or allowing any valley fills at all.

As I read the alternatives proposed in this EIS, our only choice regarding valley fills is how much damage to the watershed we're going to say is okay. If declaring the 100' stream buffer zone inapplicable to valley fills is what you mean by rewriting and clarification, then we're headed in the wrong direction. We need to keep that buffer for all streams and every project, period. If "science-based methods" can't tell us what the size limit of a valley fill should be, then let's not do any

more until we figure it out.

Some of us feel that the Zeb Mountain permits were issued before all of our concerns were adequately addressed. Now, several months after mining began on Zeb Mountain, we are seeing substantial sedimentation in one of the waterways that drains that area. The sad truth is that current surface mining and water pollution laws and attempts to enforce them do not prevent damage to the environment. I'm very concerned that alternatives offered in this EIS not only weaken these laws further but also fail to improve enforcement. As I see it, the only thing that's being streamlined here is the destruction of the waters and mountains of Tennessee and the other Appalachian states.

Cathie Bird
PO Box 154
Pioneer, TN 37847

1-5

January 19, 2004

John Forren
U. S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D JAN 23 2004

Dear Mr. Forren,

I am writing to you with concern over the recommendations provided in the Environmental Impact Study (EIS) released in May 2003.

The EIS report documents extensive environmental damage caused by mountain top removal and valley fills between 1985 and 2001, including:

- 724 miles of streams across the Central Appalachian region were buried by valley fills between '85 and '01
- Another 1,200 miles of streams have already been impacted by valley fills
- Without additional restrictions, a total of 2,200 square miles of Appalachian forests (6.8%) would be eliminated by 2012 by large-scale mining operations
- Without additional environmental restrictions, mountaintop removal mining will destroy an additional 600 square miles of land and 1,000 miles of streams in the next decade.

Despite these findings, the EIS report recommends

1-5

Aug 29, 2003

REC'D SEP 04 2003

Mr. John Farnum,

I speak for the citizens in the town of Tazewell. We would like to know where the EPA was and is now when they the coal companies have been strip mining and logging all around us and that has caused flooding and land slides all up and down Rt 85. There are landslides all along the railroad track and then the Railroad sent work crews out to dig up the slides with a back hoe and put it over in the river and now when it rains they have caused the river to be pushed over on the people property. We can

17-22

nothing that would restrict the use of valley fills or enforce existing laws. In addition, the report actually suggests weakening existing laws and regulations that protect clean water!

1-5

News of this information has outraged me. These ridiculous recommendations ignore scientific evidence about what mountain top removal is doing and ignores our needs for clean water and a safe, healthy environment. They also ignore a study that the government has spent tax money, time, and energy bothering with. Why intentionally create such a waste?

1-9

I conclude this letter in hopes that our federal government will act wisely, and will meaningfully consider specific, significant restrictions on the use of valley fills. Please do not deflate our existing laws, or make it easy to ignore them. I welcome scientific studies that document the widespread and irreversible damage the coal industry is doing to our state and region. I hope you do, too.

1-10

Stephanie Blessing,
211 Arlington Ave. #2
Lexington, KY 40508

see that the governor our our
 state Bob Wise had nothing to
 stop this and its unlikely he
 will; But what ever we have
 to do if we need to go to
 Washington to protest we will.
 We have worked all our lives
 to have a home and we will
 protect it. Strippers say we
need the jobs We say not at
 the cost of our homes. Where
 is all the timber going that they
 take out of this state. This State
 has been ruined just to please
 a few rich men and others play
 their political games. They sacrificed
 a historic town (Blair) and
 polluted the air so bad here you
 can hardly breathe because of
 the smoke holes from where they
 mined years ago. We are fed
 up with the whole mess over

10-2-2

Signed
 Ruth Kleiman
 Jan 14/02 241
 25206

P.S. When do the lives of people
 come before Monies I am
 ashamed to tell people when
 I am from when they ask a view.
 from a small plane over us
 looks like the area has been
 a war zone.

Wake up before they
 the coal cos and the
 loggers cause another
Buffalo Creek.

I'm sending you a sample
 if you haven't seen it before.

1-9

In West Virginia, from 1977 to 1997,
 300,000 acres were made into a
 moonscape by the decapitation
 of our mountains. Vast areas
 of our Mountain State
 were made uninhabitable
 for our citizens."

—Bill Maxey, Retired Director,
 WV Division of Forestry

"Everybody needs beauty as well as bread, places to
 play in and pray in, where nature may heal and give
 strength to body and soul alike." —John Muir

Mountaintop removal (MTR) has destroyed many towns in Kentucky and
 West Virginia. One is the town of Blair, WV (shown here). In 1979 there were 708
 people living in Blair, but today, because of coal mining there are only 60.

STOP THE DEVASTATION

For assistance see list of organizations on other side of this poster.

1

Mountaintop Removal Destroys Our Homeplace

[illegible]

IMPORTANT FACTS

[illegible]

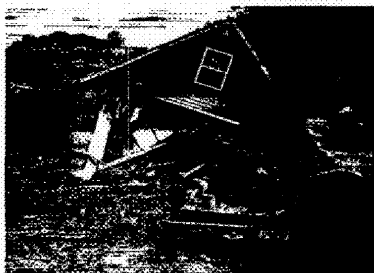
"Act of God" No! Act of Coal!

"Environmentalists predict that in two decades half the peaks of southern WV's skyline might vanish."
— US News & World Report

"God put the mountains and the trees here, to protect these valleys and the people who live in these valleys. Now, they've taken the tops off the mountains. They've taken the trees away. They've taken from God's creation. There's nothing to protect us anymore."

"Addington's 5200-acre Starfire Mine in Kentucky has damaged or destroyed the water supplies for an estimated 700 families."

— *Kentuckians For The Commonwealth*



Above: On July 8, 2001 five inches of heavy rains hit Southern West Virginia and six people died. This house, in Bulgar Hollow in Raleigh County, is one of the 1,500 homes destroyed in the flood. Many flood victims point the finger at MTR as the cause of this devastating flood. Federal studies support the flood victims.

Right: With MTR mountaintop removal blasted away, and the mining waste is dumped into nearby streams, creating valley fills such as this one. Note the size of the equipment being used: Two 100-ton trucks are in left center of photo. According to the National Mining Association there have been 6000 valley fills in Kentucky and West Virginia in the past 25 years.



"They came in here and stole our land,
killed a hundred thousand miners,
polluted our streams, ground our roads into dust with
their coal trucks, and then they have the nerve to tell us
that they should be able to destroy our mountains
because they have created jobs....
by exploiting the people they employ."

- Denise Giardina, Appalachian Author & Activist

*"The riches are all taken out but
people still feel indebted to the coal industry..
this is insanity!"*

- Patty Wallace, Louisa, Kentucky

"When valley fills are permitted in intermittent and perennial streams they destroy those stream segments...if there are fish, they cannot migrate. If there is any life form that cannot acclimate to life deep in a rubble pile, it is eliminated... No effect on related environmental values is more adverse than obliteration."

- Charles H. Haden II, US District Court Southern District of WV

"Fifteen minutes out of Charleston the most diverse and productive temperate forest on earth gave way to sprawling brown ulcers strewn with black piles of slate spoil and slaggy pits full of half-frozen slurry—a toxic brew of water, coal dust, mercury, lead, arsenic, copper and chromium."

- Ted Williams,
Boston Magazine

--- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM ---

"carzy_queen@hotmail.com" To: R3 Mountaintop@EPA
<carzy_queen cc:
Subject: Please Stop Destructive Mountaintop

Removal Mining
01/06/2004 06:48
PM

Dear Mr. John Forren, Project Manager,

I want my children and grandchildren to live in a beautiful world too! For we do not receive the world from our parents, we borrow it from our children. I cannot imagine raising a child in a world our once beautiful natural parks, have been replaced with garbage dumps! I beg you to think of your own great grandchildren and the beauty you would keep them from seeing, and amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining.

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Sincerely,
Margaret Block
Valley Rd
Ithaca, NY 14850
carzy_queen@hotmail.com

REC'D JAN 9 2004

Kathryn Blume
205 Rensselaer Road
Charlotta, VT 05443
802-487-2488
kblume@mindspring.com

January 2, 2004

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch St.
Philadelphia, PA 19103

Dear Mr. Forren:

It is unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests and bury streams in the valleys below. Mountaintop removal mining and valley fills should not be allowed and the laws and regulations that protect clean water must not be weakened. In particular, I oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. This rule should be strictly enforced for valley fills and in all other cases.

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All this aside, you are supposed to be the Environmental PROTECTION Agency. Protecting the environment isn't a luxury, nor is it some kind of partisan entertainment. It is a dire necessity, and if you can't stand firm against the insensitive and almost archetypal rapaciousness of the Bush Administration, then I humbly suggest that you step aside in favor of someone who can.

Do a good job! Do the right thing. You know you can!

Sincerely,



Kathryn Blume

July 24, 2003

AUG 14 2

Written statements to EIS study: **STOP THE ASSUALT ON THE PEOPLE AND THE ENVIRONMENT IN APPALACHIA, STOP MOUNTAINTOP REMOVAL!!!!!!**

This draft EIS study takes science and twists it into lies—this study lacks common sense and humanity. This study is un-American, unchristian, plain evil and is environmentally insane. This study was commissioned to evaluate ways to protect the people, streams, endangered species and the environment of Appalachia, but this study contains evidence of the exact opposite. **The recommendations in this study are designed to DESTROY that which it was bound to protect. This study lacks humanity and common sense.** For 9 generation my family has lived in the Coal River Valley, Southern West Virginia, and Central Appalachia in the heart of the coalfields. I am the daughter, sister, granddaughter and great granddaughter of coal miners. During my lifetime I have NEVER seen or experienced a more devastatingly evil, catastrophic form of mining than Mountaintop Removal. This type of mining is also paramount of environmental and social injustice as is this EIS statement that supports this mining. The authors and supporters of this statement have belittled the impacts on communities, culture and humans of our very ethnic, oppressed and poor part of Appalachia. **Not ONE official of this study has been to the coalfield study area to investigate the effects on low income and minority people, NOT ONE official has investigated the impacts to the people and property in this study area. Instead the time and money for this study was spent trying to accommodate the coal industry, corporations and wealthy executives of these companies. This part of the study and the recommendations MUST be done again!!!!!!**

As the Community Outreach Coordinator for a nonprofit grassroots organization I submit the following impacts—personal, observed and compiled from residents living in the effected areas. **Your study DID NOT study the impacts to the residents and the people of the study area. Your study instead spent ALL the money paid by taxpayers to find ways to allow this evil mining method to continue.**

1. **Destruction of streams and waterways; Well over 700 miles of streams have been destroyed—I believe this estimate to be LOW. Mountaintop Removal/Valley fill mining destroys, eliminates and contaminates the MOST important requirement of sustaining LIFE—**

CLEAN WATER!!!! Furthermore our culture relies on and low income residents use Appalachian streams for food, recreation, baptisms, spiritual and cultural events and drinking water. Only an idiot would destroy water—the essence of life. This study team has NOT done as requested—drill into a number of valley fills and monitor to see what the water is doing.

2. **Destruction of Forests; YOU CAN'T PUT IT BACK!!!!** These forests sustain the low-income people and indigenous people in central Appalachia. Nuts, berries, feed the people and animals, which the people hunt for food. Ginseng is a commodity for our health and brings income to the low-income people. The loss of forest and natural habitat is bringing the wildlife in the human communities—poisonous snakes, bears, squirrels, raccoons etc...sometimes with rabies. This is happening at an alarming rate. The wildlife is invading human areas. **This study does NOT include the loss of the medicinal herbs and roots found in the study area. We are poor, lack medical care and we use the medicinal herbs found in the study area.** A new study on these herbs and trees is being conducted at West Virginia University for probable/possible cures for deadly diseases. **This under story is also part of our heritage and culture.** Ramp festivals held every year and ramps have great medicinal value...residents swear by the potent plant for many ailments including male virility and overall health. Others are bloodroot, yellow root, goldenseal, blackberry root...how long before these will grow and regenerate on sites? **Where is your report on this?** All this sustains our health, lives, food, income, culture, heritage and our children's future. This falls under the executive order for environmental justice. The loss of the **FULL NATIVE** forests also is a loss for future incomes in our area...there is no viable study on the cumulative loss of forests—West Virginia employs almost 30,000 people in hardwood timber...with the loss of our forests...there goes loss of taxes and jobs lost for the next 300 years and sends the timber industry to the scenic area of our states, and there again loss of future income. What tourist wants to see clear cuts? The local residents has also noticed **weather pattern changes** with loss of forests...the forested mountains used to protect us from high winds...the loss of the mountains height and forests has allowed more wind into the valleys and damaged their property. Where is the study on this? This affects ALL of West Virginia, not just the study area. **In essence by allowing Mountaintop Removal to continue to destroy these mountains and forests, you are destroying the sustainability of the mountain culture and the lives of**

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Appalachian Americans. We are poor and cannot live without these mountains, the ecosystem and culture that depend upon these mountains. Our mountain culture is one of the very last of its kind in America.

3. **BLASTING EFFECTS; HOW DARE THIS STUDY BELITTLE THIS!** Again this falls under the executive order on environmental justice and socio-economic impacts. People's homes are their life investments and a large number of retired people live in the study area. Blast damage and emotional stress from blasting and the damage from blasting occur frequently in the study area and sometimes occur up to 12 miles from the mining site. The West Virginia DEP has records on the large number of blast complaints. Blast, according to your study, emits air pollutants, which your study says rarely goes beyond 1000ft. This is an outright LIE! I have seen it with mine own eyes and the proof exists that the fumes goes much further and invades communities. When your community is surrounded by Mountaintop Removal sites that blasts 364 days a year, that is cumulative impact and your study DID NOT address this. Perhaps because it is NOT your child that is subjected these war crimes. Your EIS study says that adequate laws are in place—that people can seek redress in courts systems—Another BLATANT LIE!!!! These laws do NOT protect the residents...they protect the coal companies. In other extractive industries the liability is assumed on the company, but to the coal industry..The burden of proof is on the poor people. The poorest people, in the poorest state, live in the coal rich counties of West Virginia, we rank last in income. How can they afford lawyers for justice in the court system? Again this goes to the executive order for environmental justice and low-income people. Your own study states that the people living in the study area are 30% above the national average in poverty levels. Your study facts contradict your conclusion on this issue—AGAIN!! This study constantly defies the executive order on environmental impacts of low income and minority people. Perhaps the authors of this EIS study feels this way because it is NOT THEIR HOMES THAT IS BLASTED and your children are NOT subjected to these crimes.
4. **FLOODING OF DOWNSTREAM COMMUNITIES...** How dare your study dismiss and belittle this impact!!!! AS in the impacts of blasting, and adding insult to injury, people's homes and lives are lost in the downstream flooding that this mining creates. Evidence proves that

Mountaintop Removal greatly contributes to flooding during rain events. Our people living in these effected communities suffer from Post Traumatic Stress Disorder from blasting and flooding. This has purposely gone overlooked by this EIS statement. Many children and people after flooding episode go to bed fully dressed and packed ready to evacuate when a rain event occurs. The taxpayers of America pays for these disasters and there are many, many more to come. The PTSD must be addressed and the people affected by this should be given treatment. I guess none of the authors of this so-called impact statement has ever stood and watched their lives and their children's future float down the river because of Man's GREED!!!! No man's, CEO'S, or stockholder's paycheck is worth my child's life. With the steep terrain in Central Appalachia, we expect some small amounts of flooding in our streams but this flooding was like nothing we have ever seen. People saw 10ft. tall walls of mud coming down on their homes. GOD should have hung a "DO NOT DISTURB" sign on these ancient, beautiful mountains but HE never thought MAN would commit such an horrible deed against HIS creation. How very upset HE must be with HIS children. STOP DESTROYING THESE MOUNTAINS!!!! STOP FLOODING MY PEOPLE!!!! Again this is out of compliance with the Executive Order on Environmental Justice in low income and minority people.

5. **ECONOMICS...** Mountaintop Removal destroys more jobs than it creates. The tax base from people's jobs is missing and that is a great loss to our state in revenue. This TWISTED study fails to address economics issues—cumulative as well as present and future— from the residents and taxpayers view point. A. Why are the people living in the coalfields poor? One answer is because the coal companies with aid from corrupt elected officials created a colony and a mono-economy dependent upon one evil industry—COAL and conspires to keep diverse economic development out of the coal fields. B. Coal says it supports schools—While the National trend is to move away from consolidated schools—the politicians in West Virginia are closings schools and busing students up to 4 hours. At least 2 schools in the coalfields that sit beside Massey operations have been closed this year alone. Put this in your study...why is this happening? More coal is mined than ever before. C. Taxpayers of West Virginia and America are "footing the bill" for Appalachian disasters caused by greedy irresponsible mining. FEMA doesn't grow money on trees—this is America's Tax Dollars at work. Many more mining disasters will be in the near future if Mountaintop Removal is continued. STOP it NOW! D. Many people in

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your study area are low income and without health insurance—sediment ponds cause higher levels of disease carrying mosquitoes and the people living in the study area are being affected by this situation more and more as each new permit and pond is allowed. The taxpayers of the study area states and the taxpayers of America will pay the bill for the health effects of this type mining.

6. **ENVIRONMENTAL JUSTICE—EXECUTIVE ORDER....** As your study says “unemployment, poverty and out-migration is well above the national average”. This socially evil EIS draft defies the Executive Order #12898. Again coalfield residents are of low income and are definitely an invisible minority and ethnic class—labeled by media, movies, and television as “inbred, ignorant hillbillies”—so much so that the city of Cincinnati included a human rights clause against discriminating against Appalachians during the out-migration in the years of the up-down cycle of coal mining. The authors of this EIS statement must think we are “ignorant hillbillies”. Many people think a conspiracy exists to depopulate the rural coalfields—An Appalachian Trial of Tears. I think this conspiracy exists and this EIS statement encourages that conspiracy and may be part of that conspiracy, either knowingly or unknowingly. Your study in fact promotes genocide of the people living in this study area, your study promotes the crimes against the people and children of this area that the coal industry is committing against my people, in effect your study promotes and protects those that commit these crimes.

7. **CULTURAL IMPACTS AND LANDSCAPES**—this section is the BIGGEST JOKE in the statement!!!!!! Contrary to your report, regulatory agencies do NOT possess the knowledge to address current cultural landscapes and have admitted this. Please contact Dr. Mary Hufford at the University of Pennsylvania for a report and study she has concluded. Regulatory agencies merely rubberstamp permits. We have a distinct and unique culture here in central Appalachia and HOW DARE YOUR STUDY IGNORE AND DISMISS OUR CULTURE AND OUR PEOPLE. We have the right to pass on to our children this culture and heritage and we cannot do this without these mountains...the mountains are a central and very important part of this culture. Again these mountains and the surrounding ecosystem give life and sustainability to our culture and our children. Again this goes directly to the heart of the executive order on environmental justice for low income and minority people. **Revise and include this in this EIS statement!**

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8. **ENDANGERED SPECIES AND WILDLIFE.....** The habitat of endangered species is not only sacrificed but ALL wildlife in the study area is being destroyed, as is their habitat. The wild life is invading human habitats at an alarming rate and posing a threat to humans and our children. All my life I knew wildlife existed in the wild area of our mountains, but unless I invaded their habitat, I never crossed their paths, now it is the norm to see wildlife in our yards and homes. The corrupt officials in the WV Division of Natural Resources says that it is over breeding.... but I am not stupid...if wildlife habitats exists of 10,000 acres and the greedy coal companies destroy 9,000 acres and the wild life breeds, that leaves less acres for wildlife to live. That scenario can be twisted to fit the corrupt and evil agencies agendas...much the way the authors of this EIS has twisted the facts. On Indiana bats and birds, as I said not only endangered species is at risk, but all wildlife and humans are at risk from Mountaintop Removal. Valley fill mining creates manmade sediment ponds and false wetlands...these ponds pose life threatening health impacts to humans and particularly their children. **These ponds increases the population of disease carrying mosquitoes and the Mountaintop Removal mining has already destroyed the mosquitoes natural enemy that keeps these mosquitoes in check...the habitat for the Indiana bat and all other bats and some birds has been destroyed, thereby stopping and destroying GOD’S own natural check and balance system here in Appalachia. HOW VERY DANGEROUSLY ARROGANT OF MAN TO CHANGE GOD’S ORDER AND ALL FOR GREED!!!!!!** Very few natural ponds and lakes exists in the coal fields of West Virginia, GOD put free flowing water and streams here for a reason. **AGAIN THIS EIS STATEMENT DOES NOT ADDRESS THE CUMULATIVE IMPACTS TO THE PEOPLE IN THE AREA AND TO THE PEOPLE OF THE STATE. THE HEALTH, CULTURAL, EMOTIONAL, SOCIO-ECONOMIC, ECONOMIC, SPIRITUAL AND ENVIRONMENTAL JUSTICE IMPACTS ARE ENORMOUS. WE CHALLENGE PRESIDENT BUSH, AS ONE CHRISTIAN TO ANOTHER TO COME TO THE HOLLOWS AND VISIT WITH THE PEOPLE THAT HAVE BEEN FLOODED, BLASTED AND IMPACTED BY MOUNTAINTOP REMOVAL MINING AND TO INVESTIGATE THE PRESIDENTS ADMINISTRATORS OF THE AGENCIES THAT ALLOWS AND ENCOURAGES THIS ASSAULT ON THE PEOPLE OF APPALACHIA TO CONTINUE. I AM SURE ONCE THE PRESIDENT HAS DISCOVERED**

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**THESE CRIMES AGAINST THE CITIZENS, HE WILL NOT
ALLOW THIS TO HAPPEN, AND HE WILL STOP
MOUNTAINTOP REMOVAL. NO TRUE GOD FEARING MAN
WOULD ALLOW THESE THINGS TO HAPPEN TO INNOCENT
PEOPLE AND CHILDREN FOR CORPORATE GAIN.**

Julia Bonds
Coal River Mountain Watch
P.O. Box 651
Whitesville, West Virginia 25209 304-854-2182

Dec 18, 2003

REC'D DEC 24 2003

Dear Mr. Foreman,

Please accept this revised set of comments.
They are the same as the one I sent you in
July, but I changed one sentence that has
a mistake in it. The sentence is highlighted.

Sincerely,
Julia Bonds

July 24, 2003

REC'D DEC 22 2003

My family and I have been here many years and for many generations. I am the sister, daughter, granddaughter and great granddaughter of coal miners. My home is in the heart of your study area and in the belly of the beast—the beast is the greedy, irresponsible coal barons and the corrupt regulatory agencies and politicians that serves as the minions of this beast.

This draft EIS is a blueprint for continued assault upon the people of Appalachia, a declaration of war upon our children, their children and GOD'S creation. Enough, STOP Mountaintop Removal, NOW!!!!

This EIS encourages the coal industry to continue to use—to rape and take—Appalachia and her people—as a national sacrifice zone.

This EIS did NOT study the cumulative effects of environmental, community, human, cultural; health and socio-economic impacts of post, present and future Valley fill mining. How did you study the environmental justice impacts in this draft? You did not study the cultural, community, people and property being destroyed by this mining method, you dismissed it.

I demand a revised EIS that includes cumulative impacts of cultural, social, emotional, and spiritual and health problems of communities affected by Mountaintop Removal.

A partial cultural study already exists, this study by Dr. Mary Hufford is available on the Library of Congress website and Dr. Hufford—Dr. of Ethnography can be reached at the University of

Penn. Our mountain culture has been her long before the white settlers came and before commercial coal mining began. Our culture will be here long after the coal is gone!

It is believed that many people in Mountaintop Removal effected communities suffer from Post Traumatic Stress Disorder—from blasting and flooding. How dare you dismiss the suffering of low income and the invisible minority people of central Appalachia!! How dare you dismiss and defy the Executive Order dealing with environmental justice, the low income and minority people.

Your own study says that this area is well above the average in poverty and unemployment. Where is the study on socio-economic problems of the area? Why are the people in the coal rich counties the poorest? What are the ACTUAL costs to the communities and people that suffer the effects of Mountaintop Removal? This mining effects the very poor, the powerless and oppressed people. Economic Development of these artificial sites? Only 6 % of these destroyed mountains are ever given any economic development for the affected communities. Where is the study on this?—I want to see the figures and a study on how much “prosperity” goes back to Buglar Hollow or Bob White or Montcoal, or any small mining community.

In the last 6 months, 2 schools in the Coal River Valley, Both surrounded by many Massey mining permits, was closed. Sending our children on very, very long bus rides. One was at Montcoal—Marsh Fork High School—where is the support—where's the money? The Raleigh County Board of Educations said it does NOT receive a red cent from coal tax for education—coal says it gives—who is lying? I want to see a report on that.

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The scientific evidence of this study shows that Mountaintop Removal is environmentally insane, but the recommendations by the administration is to make it easier for the greedy coal companies to destroy everything, which leads me to believe that even worse scientific evidence was omitted from this study. Even so, your report makes an airtight case against your conclusions. Your report and your conclusions strongly contradict. Did a complete idiot write the conclusions?

AS a fellow Christian I challenge President Bush to come to the coalfield hollows in central Appalachia and talk with the blasted, flooded, poor and the oppressed people impacted by Mountaintop Removal. I ask President Bush to investigate his agencies, No true Christian would allow these evil abuses to continue. I am sure once the President discovers these crimes against the citizens of Appalachia, he will stop Mountaintop Removal. NO true GOD-fearing man would allow these crimes to continue.

People should NOT have to make a choice between a job now and destroying their children's future, making their neighbors suffer and selling their eternal souls in the bargain.

Revelation 11:18

Thy wrath is come, that they should be judged, and that thou shouldst give reward unto thy servants the prophets and to the saints and them that fear thy name, small and great; and shouldst destroy them which destroy the Earth.

HOW VERY, VERY ARROGANT OF MAN TO THINK HE CAN DESTROY GOD'S CREATION.

Julia Bonds
P.O. Box 135
Rock Creek, West Virginia 25174

----- Forwarded by David Rider/R3/USEPA/US on 01/30/2004 11:21 AM -----

Douglas Boucher
<douglasboucher@ear.thlink.net> To: R3 Mountaintop@EPA
cc:
Subject: Save Streams from Mountaintop Mining
01/22/2004 09:02 AM

January 22, 2004

John Forren, Environmental Protection Agency
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

The mere thought that a civilized nation that was already consuming far too much energy from fossil fuels would resort to the incredibly high environmental impact method of mountaintop mining is disgusting. This is obviously only a way to gain short term profits at the expense of long-term damage to all ecosystems from the mountain all the way downstream to the oceans, not including the added carbons and heavy metals to the waters and atmosphere.

The administration and the departments involved should be exceptionally ashamed of any actions condoning mountaintop mining. I am opposed to any changes that would weaken the laws and regulations that protect our rivers and streams from the effects of mountaintop mining and valley fills. As a result, I am opposed to each of the alternatives evaluated in your May 29, 2003 draft Environmental Impact Statement (EIS).

Your draft EIS contains indisputable evidence of the devastating and irreversible environmental harm caused by mountaintop mining. Other agency studies also show that mountaintop mining contributes to flooding disasters in mountain communities. Unfortunately, each of the alternatives in the draft EIS ignores the findings of these studies and the very purpose of the EIS- to find ways to minimize, to the maximum extent practical, the environmental consequences of mountaintop mining. The draft EIS does not examine a single alternative that would reduce those impacts.

Worse, your "preferred alternative" would clearly increase the damage from mountaintop mining by eliminating the Surface Mining Control and Reclamation Act's buffer zone rule that prohibits mining activities that disturb any area within 100 feet of larger streams, eliminating the current limit on using nationwide permits to approve valley fills in West Virginia that are larger than 250 acres, and giving the Office of Surface Mining a significant

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new role in Clean Water Act permitting for mountaintop mining (a role it does not have under current law).

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Our environmental laws require, and the citizens of the region deserve, a full evaluation of ways to reduce the unacceptable impacts of mountaintop mining. I urge you to abandon your "preferred alternative" and to reevaluate a full range of options that will minimize the enormous environmental and economic damage caused by mountaintop mining and valley fills.

Thank you for your cooperation.

Sincerely,

Douglas Boucher
3824 Suffolk Ln
Plano, TX 75023-1051
USA
douglasboucher@earthlink.net

Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:58 PM ----

Biff Bowen
<biff@bowenjewelry.com> To: R3 Mountaintop@EPA
cc:
Subject:
01/05/2004 04:56
PM

Dear EPA,
Recent articles about mountain removal are disturbing. Please do not allow further destruction of the beautiful mountains of SW Virginia and West Virginia.
Brian Bowen, Jr.
161 Slapp Creek Road
Amherst, Va. 24521

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----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

Bowles922@aol.com

To: R3 Mountaintop@EPA
01/03/2004 08:51 cc:
AM Subject: Re: JOHN FORREN

Mr. FORREN,

I am opposed to Mountaintop Removal Mining and Valley Fills.....PLEASE
stop this

"ENVIRONMENTAL NIGHTMARE"

Deborah F. Bowles
Maryland

1-9

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

REC'D AUG 11

Dear Mr. Forren:


I oppose mountaintop removal and valley fills and any change in the buffer zone rule. I am disappointed and angry that the federal government ignored its own studies when it proposed weakening, rather than strengthening, protection for people and the environment. Scientific studies document the widespread and irreversible damage the coal industry is doing to our state and region. Mountain top removal ignores the public's demand for clean water, healthy environment and safe communities.

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Please accept the wisdom of those who live in these areas and the scientific studies that support these correct insights. How many coal company CEO's live in Harlan County, Kentucky?

Thank you for considering the good of the people in the coal areas

Sincerely,

Gayle Brabec
1707 New Orleans Ct.
Lexington, KY 405405

Cc: President Bush

Mary Beth Bradley
Letter Date: 1/16/2004
City: Chattanooga State: TN Zip: 37401

Please don't backtrack on legislation that would leave our precious mountains open to being raped again. The "Sleeping Lady" in Anderson County, Tennessee is just beginning to heal from being marred by the coal company's. We need our mountains just to breathe. I went to Florida to visit my sister when her husband was in the Coast Guard. I spent a month with her during the summer. I thought I was going to die without my mountains. Those of us who were born here and want to die here, want nothing more than to wake up in these peaceful mountains knowing that they will always be there. My grandmother wrote a poem about the "sleeping lady" and it would have made her sick had she still been alive, to see what the coal companies did to her. Please don't make the same mistake twice. We are supposed to learn from our mistakes, not make them again.

Thank You,
Mary Beth Bradley

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----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

julia_brady@yahoo
.com To: R3 Mountaintop@EPA
cc:
01/02/2004 06:16 Subject: Comments on draft programmatic
EIS on mountaintop removal coal mining
PM

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I object to the Bush administration plans to continue to let coal companies destroy Appalachia with mountaintop removal mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities.

I can't believe that the Bush administration would address the problems caused by mountaintop removal coal mining through weakening existing environmental protections.

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Sincerely,

Julia Brady
Rt 3 Box 274B
Buckhannon, West Virginia 26201

cc:
Senator John Rockefeller
Representative Shelley Capito
Senator Robert Byrd

John Forren
U.S. Environmental Protection Agency (3EA30)
1650 Arch St. Philadelphia, PA 19103

REC'D NOV 17 2003

Julia Brady
Rt 3 Box 274B
Buckhannon, WV 26201

Dear Mr. Forren;

I am writing to voice my opposition to mountain-top removal of coal. While I understand the importance of domestic energy production, mountain-top removal is not a viable alternative for supply of fossil fuels. I hear the people of my state when they express fear that their homes, businesses, even whole communities may be devastated by the long-term results of valley fills. Please consider our needs and the welfare of our environment when making federal policy regarding mountain-top removal.

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Sincerely,

Julia Brady
Julia Brady

August 12, 2003

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19130

AUG 18 2003 -- -- REC'D

This letter is concerning the devastation impacting on West Virginia by the continuance of mountain top removal and the 'sham' of how the study to review said impact (Environmental Impact Statement) is being misused. This letter is a statement about stopping mountain top removal.

4-2

I am a native of West Virginia. I have lived all but one of my years in the state, a half-century of loving the mountains, river, and wildlife that abide here. Mountain top removal is not *surface mining*, or *above ground processes*. It is a plundering of soil that makes this state the Mountain State or Almost Heaven. Mountain top removal is devastation that strips away all that is useful and leaves a waste land that is ugly and useless for meaningful purposes. It is a devastation that affects all that lay down stream from the ruined buried streams that feed our rivers and lakes.

1-9

I have seen in person the destroyed mountaintops and streams that are affected. I have watched as spill after spill fouls our streams and rivers while the effort of the agency of protection, works to take care of those removing mountains instead of taking care of the environment.

The rivers and lakes are the source of water that has sustained us in the past but which is increasingly likely to fail to do so in the future unless responsibility for our future is accepted. Responsibility must be accepted by the very agency that is supposed to protect but instead has been filled with the likes of Norton and Gries who have worked for coal in previous jobs and have shown no balance of judgment in performing their duties now.

5-4-2

What amazes me most is that anyone can ignore the obvious real value of West Virginia's future and then set about to destroy it! WATER! Water is not just a West Virginia issue! Everyone should care.

When the mountains are destroyed the water tables are directly destroyed by blasting and the feed of small streams to larger streams ends when the small ones are buried. One does not need an engineering degree to see what happens to those streams.

It makes no sense to destroy what is valuable for the long time, for the short-term profit to those who seem unable to reason.

Many who have had a chance to do research on the report believe the report supports ending mountain top removal but those who sit in the Core of Engineers and the Environmental Protection Agency are pushing for a faster permitting process for the coal industry.

Remove those mountains as fast as you can! And then what? Nothing, that is what exists, no more coal jobs, no life sustaining water or forest, no soul sustaining beauty, no more profits. Nothing!

Excessive time and months of extensions passed before the thousands of pages of the EIS were made available for review. More time should be allowed for comment by the public and mountain top removal must be stopped. Now!

3-5

It is not the job of the EPA to be a political tool of any sitting administration of this country. End mountain top removal and save the future of West Virginians and the lives of many others who would benefit from the lumber, water, and beauty of this state.

1-9

Wake up!

Sandra L. Brady
Sandra L. Brady
PO Box 333
Charleston, WV 25322

----- Forwarded by David Rider/R3/USEPA/US on 01/06/2004 03:55 PM -----

Matthew Branch
<mjbranch@yahoo.com>
To: R3 Mountaintop@EPA
cc:
Subject: mountaintop removal is not good
11/06/2003 06:39
PM

Dear Sir or Madam-

I am writing today to express my dismay of the mining practice commonly called mountaintop removal. I understand that our nation needs energy, but as long as having cheap energy overrules environmental concerns, our nation will continue to send itself on a path of self-destruction.

America was built and founded on energy-saving methods because that was what americans had to do. Well, the control of what we have to do is no longer in the direct hands of the majority, it is in the hands of the EPA, the government, and corporations. Profit driven corporations aren't going to worry about long-term environmental (and economic) loss. The government plays some role, but it gave the power of environmental protection to you, and it is your duty to enforce that issue.

I know whats at stake. Whats at stake is having a healthy environment for my grandchildren's grandchildren. In the end, I'm more worried about their basic survival than I am about having cheap electricity so I can watch more TV. I think that anyone who knows the facts would agree with that.

I am sorry I didn't print this letter out, I know that it is more likely to be read if it is on paper, but I didn't want to waste paper, and I fear my words today will fall on deaf ears.

I wish you foresight in making your decisions.

warmly,
Matthew Branch

1-9

3-3

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

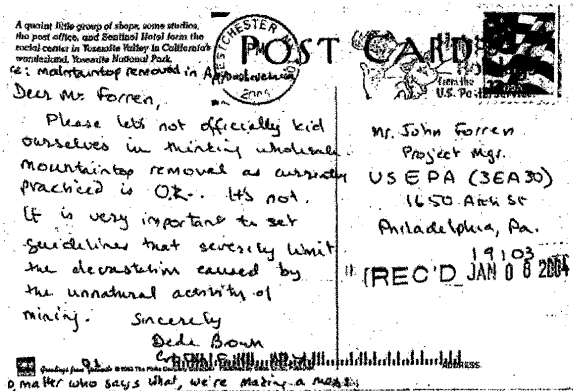
"t_igereyes@yahoo.com" <t_igereyes.com>
To: R3 Mountaintop@EPA
cc:
01/06/2004 04:51
Subject: Please Stop Destructive Mountaintop Removal Mining
PM

Dear Mr. John Forren, Project Manager,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. Aside from its obviously disastrous environmental effects, these policies destroy permanently the glorious American landscape that inspired Jefferson, Madison, and our other forefathers to love this land. Our heritage is at stake.

Sincerely,
Lee Bridges
2142 Sacramento St.
Berkeley, CA 94702
t_igereyes@yahoo.com

1-9



1-9

DeliveredDate: 01/09/2004 10:40:37 PM

I am writing to express our view that the effect of mountain removal on the communities, families, and environment is destructive and unethical. The communities of West Virginia and Kentucky need the voice of reason and justice to prevail in this historical and controversial issue. The negative cost to the people of the coalfields cannot be justified for the sake of cheap and accessible coal. Let our comments join with those of similar opinions... current mountaintop removal coal mining must be stopped and regulated with fairness and with a vision of the future for the generations who will follow.

10-2-2

Sincerely,
LeeAnn, George, Emily and Sarah Brown
15 Orchard Dr.
Buckhannon, WV 26201

REC'D NOV 26 2003

November 24, 2003

Shale Brownstein
Conservation Chair
Linnaean Society of New York
15 W 77 Street
New York, N.Y. 10024

John Forren
U.S. E.P.A. (3EA30)
1650 Arch Street
Philadelphia, Pa 19103

re: mountain top mining/ valley fill DEIS

Dear Mr. Forren:

We are a group of interested naturalists with more than 500 active members. The habitat destruction wrought by the proposed mountain top coal mining under 1000's of acres of mature hardwood forest in Ohio Pennsylvania Virginia and Tennessee will certainly cause immense damage to the Cerulean Warbler population.

8-2-2

Awesome scenes of mountain top removal involve more than the disappearance of the headwaters of mountain streams and the filling in of an adjacent valley. Many species are severely disrupted and the ecological damages will of necessity extend to a considerable distance from the mining operations.

9-2-2

This Appalachian region of the eastern United States will suffer ugly pockets of noise, dust, and disfigurement. The extensive losses already suffered will be greatly extended in ways that will even more permanently alter the land. We think that the current draft environmental statement has failed to properly assess the impact of the future changes, which are already being actively implemented. The immense area to be mined in this fashion is going forward without sustained serious consideration to the social and ecological losses that follow in the wake of this one time removal of available coal.

9-4-2

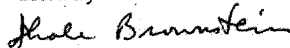
We plead for a moratorium.

We hope that reflection will give time for us all to study the conflicting claims of residents, visitors, and environmental hopes for the future of these irreplaceable mature hardwood forests.

1-9

Only the imposition of a moratorium on the mining can offer the chance to seriously modify the proposed coal extraction, which will change everything forever.

Sincerely



Shale Brownstein for the Linnaean Society of N.Y.

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM -----

"mountinmike@hotmail.com"
To: R3 Mountaintop@EPA
<mountinmike>
cc:

Subject: Please Stop Destructive Mountaintop

Removal Mining
01/06/2004 01:00
PM

Dear Mr. John Forren, Project Manager,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. It is ludicrous to continue with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities.

1-5

Please consider alternatives that reduce the environmental impacts of mountaintop removal and then please implement measures to protect natural resources and communities in Appalachia.

Sincerely,

Mike Brumbaugh
628 Grove St. NE
Albuquerque, NM 87108
mountinmike@hotmail.com

682 National Av
Winchester, Va

REC'D JAN 07 2004 22601
January 2, 2004

Dear Mr. Forren + EPA,

I am very concerned about mountain top removal mining techniques. As a resident of the mountain areas of Virginia, I strongly support controls and prohibitions on this highly destructive mining practice. Removing mountains and placing

1-9

them in stream valleys is unbelievably destructive. Our convenience destroys the land forever. The DEIS rules need to prevent, contain, and mitigate such unfortunate practices. I support stronger rules to prevent this practice. Thank you.

1-9

Sincerely,
Mark A Bruns

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:58 PM -----

"steve@ctlss.com"
 <steve
 cc: R3 Mountaintop@EPA
 01/06/2004 01:00 Subject: Please Stop Destructive Mountaintop Removal
 Mining PM

Dear Mr. John Forren, Project Manager,

Please amend the EPA's draft environmental impact statement to include sensible proposals and guidelines to restrict the effects of harmful mountaintop removal mining. I do not want coal companies to destroy Appalachia with mining practices that level mountaintops, eliminate forest acreage, pollute streams and possibly destroy communities.

The current draft EIS explains that the environmental effects of mountaintop removal are widespread, devastating and permanent. Within the EIS, please propose restrictions on the size of valley fills, propose limits on the number of acres of forest that can be destroyed, propose protection guide lines for imperiled wildlife and safeguard the local communities that currently depend on the region's natural resources for themselves and future generations.

I urge you to immediately amend the draft EIS accordingly.

Sincerely,

Stephen Bull
 439 First Street
 Greenport, NY 11944
 steve@ctlss.com

1-5

----- Forwarded by David Rider/R3/USEPA/US on 09/26/03 02:49 PM -----

d b
 cd86420@hotmail.c To: R3
 Mountaintop@EPA
 cc: Subject: Comment to
 draft environmental impact statement
 09/23/03 01:12 PM

It is my opinion that all mountaintop mining operations that dispose of waste into nearby valleys should be subject to National Pollutant Discharge Elimination System permitting requirements. Dredge and Fill requirements are not stringent enough for this mining technique.

Sincerely,

Doug Burge, P.G.
 1043 Art Hill Pl
 Saint Louis, MO 63139

5-7-1

Get MSN 8 Dial-up Internet Service FREE for one month. Limited time offer--
 sign up now! <http://join.msn.com/?page=dept/dialup>

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

"burgermkop@msn.com" <burgermkop@msn.com>
To: R3 Mountaintop@EPA
cc:
01/06/2004 01:12 PM Subject: Please Stop Destructive Mountaintop Removal
Mining PM

Dear Mr. John Forren, Project Manager,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining.

When Scripture discusses making hills and valleys level, I don't think that's what Our Creator had in mind.

Sincerely,
Mark Burger
1042 Gunderson Avenue
Oak Park, IL 60304
burgermkop@msn.com

DeliveredDate: 01/05/2004 07:30:25 PM

Who can justify blowing off the top of mountains to remove fuel?? How can this even be thought to be a civil act? This is barbaric and not only affects the wildlife, the streams, the fauna, but also the Appalachian people and their culture. Mountains are spiritual places, and this process of blasting shaking and disfiguring the mountains is deeply unsettling to the people the animals and the earth itself and results in many negative outcome. Please stop the bombing of our ancient mountains and the pollution of our streams. There is no reason and no rationale for this process of coal extraction. PLEASE STOP!!!!!!

Gail Burgess, WV and Ohio

1-9

1-2

Moss Burgess, flood Chairperson
Box 66
Wilkinson, W. Va 25653
304-752-1596

Moss Burgess

Thank you for an opportunity to express our views.

1. We live on Main Island Creek in Logan County and in 1996 we were flooded by a four inch rainfall that fell in the County. The water level was the highest since I moved there back in the early 1950.s.
2. At permit hearings a couple of years ago people who lived at the foot of the Mountain Top Removal sites told how the water came off the mountain and washed block walls down with gullies of mud and debris.
3. We are not against mining because we believe the coal can and should be mined using auger or contour methods, creating more jobs. Many of us come from mining families. Mountain Top Removal and the timber clearcutting creates mud and debris which fills our streams. This debris is presently in our streams from previous MTR and Clearcutting operations and builds up creating higher flooding water levels. Mountain Top Removal eliminates jobs.
4. Further our flood insurance rates have climbed so high that those on fixed incomes can't afford it and with these new operations the property values will continue to fall and new flooding potentials.
5. Even the Governor's hand picked flood study states that these operations contributes to flooding. They also recommend proper building of valley fills. We expect our property to be protected.
4. If You represent the people then look closely at the lay of the land in determining the effects of Mountain Top Removal mining. We live in Southern West Virginia an area that has steep mountains. If these corporations advertises themselves as a good neighbor, then the first thing they would do is to use their massive equipment and dredge our creek of their previous mud, silt, and timber debris caused by previous operations. They could place this back on the sites they are operating on. Our politicians, I should say

your politicians, have promised us dredging would be done would be done, over 2 years ago-Nothing-lies.

5. If you want to show your support that you are doing the right thing, then select a group of involved citizens and permit them from time to time to monitor these operations. We want men to work, but we believe the coal can be mined, by using contour and auger methods, which keeps some vegetation which can hold water back, thus protecting communities downstream, but profits over homes and lives, should not be secondary. Of course we believe the decision has already been made, but we shall be vigilant. We urge the use of alternative mining methods to Mountain Top Removal, which can create more jobs. Thank You!

1-9

17-1-2

----- Forwarded by David Rider/R3/USEPA/US on 09/04/03 05:13 PM -----

RONALD F BURKHART
<RFBURKHART@epa.gov>
To: R3
Subject: Mountain top
mining
06/30/03 02:51 PM

Dear Mr. Foren,
I do not support mountain top mining.
I realize jobs are at stake. However, I also know jobs in this
industry have been declining for years.

The environment is also at stake. I support working toward
alternative energy sources such as sun and wind. The money,
effort and will could be rechanneled into these areas and
jobs offered in these new energy sources. Of course the
transition wouldn't be easy, but then nothing worthwhile
ever is.

Please make efforts in this direction.

Thank you,
Linda Burkhart

1-9

9 Meadowbrook Rd.
Frankford, Pa 40001
January 18, 2004

REC'D JAN 23 2004

John Foren
U.S. EPA (35330)
1650 Arch St.
Philadelphia, PA 19103

Dear Mr. Foren:

I am writing to you to express my
concern about the proposal to do away
with the "buffer zone" rule that protects
streams from the impact of coal mining.
I oppose mountaintop removal and valley
fills and any change in the buffer zone
rule. I am especially upset that the
federal government is not paying more
respect to its own studies which
unequivocally document the harm of
mountaintop removal and valley fills.
Our environment is our legacy to our
children. When we don't protect it,
we take them at an essential

1-10

part of their future.
Thank you for considering my
caveats.

Sincerely,
Rick Cameron

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM -----

Rick Cameron

<cameron@hvi.net>

To: R3 Mountaintop@EPA

cc:

12/30/2003 06:11

Subject: Maybe we should just level all the

mountains

PM

Sir:

I humbly submit that, in view of the EPA's obvious rubber-stamping of every destructive order from the Bush gang, the agency should be redubbed the "EDA", the Environmental Destruction Agency. Since you are personally presiding over the dismantling of a century of efforts to protect our natural heritage, you can rest assured of your place in history. You won't be forgotten, I promise you.

With all due respect,

Rick Cameron

Woodstock, NY

Dear Sir:

Please do NOT
weaken environmental
protections for the
harmful practice
of mountain top
mining.

1-10

Season's Greetings

Beth Campbell



Ms. Beth Campbell
111 Lewis Ave.
Grants Pass, OR 97527-5434

REC'D JAN 02 2004



----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:58 PM -----

Ruth Campbell
<ruthe73@hotmail.com> To: R3 Mountaintop@EPA
cc:
Subject: strip mining in Appalachia
01/06/2004 01:32
PM

Dear Sirs:

I urge you to reconsider the proposal to do strip mining in the Appalachian mountains. Whole communities, streams and wildlife will be destroyed. Please take steps to prevent this unnecessary devastation.

1-9

Thank you.

Ruth Campbell
member of NRDC

Pauline Canterberry
P O Box 304
Whitesville, W. V. 25209
Ph: (304) 844-1619

REC'D AUG 20

Mr. John Forren, US EPA
1650 Arch St.
Philadelphia, Pa. 19130

Re: Opposing Mountaintop Removal Mining

Mr. Forren,

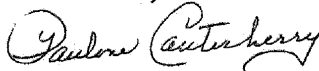
Mountaintop Removal Mining has proven itself to be an irresponsible method of removing coal from the Appalachian Mountains of West Virginia leaving far to much destruction, destitute and destroyed land polluted with Valley Fills and Slurry Impoundments.

It has destroyed our Hardwood Forest and Wildlife habitats, it is destroying Appalachian Culture and Heritage its irresponsible method has ravished the Hollows and Valleys leaving them in ruin, it has devastated the Citizens who dwell in these Valleys destroying their Homes and Property, it contaminates the Streams and Rivers, it pollutes the Air, it causes flooding, it destroys and kills the innocent, it is a high-risk health hazard, it is no longer an asset to the State of West Virginia.

The recommendations in the EIS statement is just another FIX for the Coal Corporates to continue their devastation in the West Virginia Mountains that will Swell the greed of a few and support Coal Corporate gain, while the State of West Virginia sinks lower still into total despair.

Come into the Southern Coal Fields of West Virginia and see the true story of Mountaintop Removal Mining, then you will vote to end this injustice.

Sincerely,



Pauline Canterberry

Nancy T. Carbonara, Ph. D.
Licensed Psychologist
Child Development Specialist

REC'D JAN 08 2004

615 Washington Road, Suite 302, Pittsburgh, PA 15228-1909
(412) 343-8663

January 4, 2004

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

I am very concerned to hear that the Bush Administration plans to continue to let coal companies use mining practices that level mountain tops, wipe out forests and streams, and devastate both wildlife and human communities in the Appalachian region.

I find that very puzzling, since it is my understanding that, according to the administrations' draft Environmental Impact Statement on mountain top removal coal mining, that type of mining has devastating, widespread, permanent and irreversible effects on the environment.

Again, it is my understanding that the Bush administration's "preferred alternative" for addressing the problems of mountain-top-removal mining is to weaken existing environmental protections...thus ignoring the results of the administration's own studies detailing the damage caused by that type of mining.

Please consider what you may be able to do to persuade the administration to re-think their position, and consider alternatives that at least reduce the dreadful, negative effects on the environment and on the people of Appalachia of weakening environmental protections. I come from a coal mining family and I know that that region, and those people, have suffered enough.

Thank you for your attention to these heartfelt concerns.

Sincerely yours,

Nancy T. Carbonara, Ph.D.

1-9

1-9

1-10

Forwarded by David Rider/R3/USEPA/US on 01/12/2004 02:47 PM -----

Enid Cardinal
 ccidc@hotmail.com To: R3
 Mountaintop@EPA
 on> cc:
 Draft EIS on mountaintop removal mining
 01/02/2004 03:10
 PM
 Subject: Comments on

January 2, 2004

Mr. John Forren
 U.S. Environmental Protection Agency
 1650 Arch Street
 Philadelphia, PA 19103

Dear John Forren,

Although not surprised, I am upset to learn that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities. This is especially disturbing in light of the increasing concern over the availability of fresh water in many of these areas. It would also seem that such practices would escalate the number of incidences of natural disasters in the areas, i.e. mudslides and forest fires.

There has been a blatant disregard by this administration to the value, both economic and psychological, of natural resources. Not to mention a tendency to ignore existing requirements of environmental regulations such as NEPA. According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

The intention of the NEPA's EIS requirement for all government operations, as court rulings have continually upheld, is to provide more environmentally benign alternatives to proposed projects. It is not the intent to merely waste financial resources in the compilation a piece of literature that will be ignored. I do not believe that no viable

alternative exists, as the current course of action suggests.

The Bush administration's "preferred alternative" for addressing the problems caused by mountaintop removal coal mining is to weaken existing environmental protections. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal;
- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species;
- Without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining.

In light of these facts, I urge you to consider alternatives that reduce the environmental impacts of mountaintop removal. Thank you for your consideration of this important issue.

Sincerely,

Enid Cardinal
 2294 Mercer St
 Baldwinsville, NY 13027
 USA

4-2

1-5

4-2

----- Forwarded by David Rider/R3/USEPA/US on 01/12/2004 02:49 PM -----

"mlcarswel@aol.co
m" <mlcarswel
m">
To: R3 Mountaintop@EPA
cc:
01/06/2004 12:45 Subject: Please Stop Destructive Mountaintop Removal
Mining
PM

Dear Mr. John Forren, Project Manager,

I am just one person who cannot pay anyone big dollars to protect the environment. But I do have one vote and a voice that is continually educating folks on the destructive policies advocated by the Bush Administration toward the protection of our invaluable land, diverse wildlife and the tremendous beauty of what is left of our pristine wilderness in the United States of America. I am of the mindset that we can have it all, meaning what's left of this landscape and also a productive, sustaining democratic life that does not bow down to corporate demands for less legislation concerning the protection of our environment. You must immediately amend the draft EIS to protect the future of our country and the heritage. We cannot continue to devalue our mother earth to blow off mountain tops that will erode streams and create a eco system in direct conflict with what is natural.

1-9

Sincerely
Mary Lou Carswell

Mary Lou Carswell
garden dr.
avon, OH 44011
mlcarswel@aol.com

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

"jcmsw@hotmail.co
m" <jcmsw
m">
To: R3 Mountaintop@EPA
cc:
01/06/2004 04:27 Subject: Please Stop Destructive Mountaintop
Removal Mining
PM

Dear Mr. John Forren, Project Manager,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities.

1-5

The Bush administration must consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities. I urge you to immediately amend the draft EIS accordingly.

1-7

Sincerely,

Jenny Casey
43 Maple St. Ext.
Kent, CT 06757
jcmsw@hotmail.com

Sidni Cassel

Mr. John Forren, US EPA
1650 Arch Street
Philadelphia, PA 19130

August 12, 2003

RE: Mountaintop Removal in WV

Dear Mr. Forren:

Before I left West Virginia for the wild, wild west, I was saddened to see the majestic mountains of WV being slaughtered one by one so the coal companies could get to a few tons of coal. It was a disgusting sight then and it is a disgusting sight now.

Now I'm in the west where I only see it when I fly home to my beloved WV. What a sight to see as you fly over what once was a lush green forest that has been transformed into a moonscape on top of the mountain.

I admire the citizens of WV who still think they can fight against the coal industry in WV. Maybe I'm getting old or just plain tired from all the efforts I put in to make myself and others heard. God bless them and give them strength because we all know that the coal industry in bed with the powers that be...can't name names anymore because I'm not around to see first hand.

I can say that I pray (and I'm not too much given to prayer) that the "powers that be" wake up one day to find their front yard turned into a slag pile or that their family cemetery is bombarded by flying rocks from a "surface operation". Here's an idea. How about you fellers change places with the people who are forced to live in the middle of your mess and see how you like it. Let's see how long you are willing to stand by while your well dries up and your children can't play in the yard without safety gear!!

Sure, it's a free country and I'm sure the coal companies would (and are) more than generous in their offers to buy land and relocate the occupants somewhere else...but a free country also is supposed to guarantee the freedom of those same individuals who want to live in their homes undisturbed or without fear that a boulder is going to crash thru their roof as they and their children sleep.

Come on, guys, isn't it time that you realize that you can't undo what has been done but you have the power to change the future?

Let's leave what mountains that are left in WV. Once they are gone, there is no turning back the page.

Respectfully,

Sidni S. Cassel

Sidni S. Cassel

3419 W. Cinnabar Avenue

Phoenix, AZ 85051

1-9

61 Joseph Rd.
Premium, KY 41845-9024

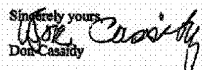
December 24, 2003

John Forren
U.S. EPA (ES30)
1650 Arch Street
Philadelphia, PA 19103

Dear Sir:

I oppose mountaintop removal and valley fills and any change in the buffer zone rule. There's a principle involved that officials with EPA tend to ignore the public and cave in to vested interests of industry. It seems also that such connivance has the cooperation of the White House.

It's significant that even within EPA some officials have advised that EPA rules should be strengthened, not weakened.

Sincerely yours,

Don Cassidy

REC'D DEC 29 2003

1-10

Forwarded by David Rider/R3/USEPA/US on 01/23/2004 09:42 AM

Philip Castevens

<pgc512@yahoo.com>

To: R3 Mountaintop@EPA

cc:

Subject: I AM AGAINST MOUNTAIN TOP MINING

REMOVAL !

01/20/2004 04:16

PM

1-9

Please protect our Appalachian mountains.

Thank you.

Philip Castevens
Winston-Salem, NC 27103

REC'D JAN 05 2004

REC'D JAN 05 2004 Jan 2, 2004

My Old Home place is on upper Mud Run Rd, Arch Coal Co. is working all around it. Our property was in several shares. After harassment and lies, I sold my share to them, which was my mistake. Now they are trying to force the others to sell. How can they treat people so awful, blasting the mountains, causing the streams and killing the wild life. please help us stop this.

Billy Caudill
Box 308
Millwood, WV 25262

10-2-2

REC'D JAN 05 2004

Jan 2, 2004

My Home place was on upper Mud Run Rd, where Arch Coal Co. is working. The homeplace is in shares. After much Aggravation, lies and harassment, I sold them my part, which I regret, now they are trying to force other family members to sell. Join against Mountaintop Removal mining, please help us stop it. How can they ruin O those WV Hills, they are blasting them away, every day.

Herman Caudill
15 Thompson St.
Madison, WV 25130

1-9

16

REC'D JAN 05 2004

Jan 2, 2004

Mountaintop Mining Study

I am a retired School Teacher in my late seventies, have lived in this area my entire life, until broke coal forced me out of my home place, I did not want to leave. I could not put up with the dust, noise, cutting of the trees and everything else that went on.

It's a shame what the coal Co. is doing to people, and no one seems to care, they are ruining our mountain, streams and valleys.

It's a shame, they are tearing WV hills all to pieces.

How it can be stopped now.

Therma Caudill

Fork Creek, WV

PA 304 369 1088

Farmer's address

Upper Mud Run Rd

Sparkbrook, WV, Lincoln Co.

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

"dwchandler@humboldt1.com"

<dwchandler@humboldt1.com>

To: R3 Mountaintop@EPA

cc:

01/06/2004 12:36

Subject: Please Stop Destructive Mountaintop Removal

Mining

PM

10-4-2

1-9

Dear Mr. John Forren, Project Manager,

It is no longer acceptable to trade environmental degradation for non-renewable energy. I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining.

Sincerely,

Daniel Chandler

Dan Chandler

436 Old Wagon Road

Trinidad, CA 95570

dwchandler@humboldt1.com

1-9

----- Forwarded by David Rider/R3/USEPA/US on 09/26/03 02:49 PM -----

dchannel78@netscape.net
 To: R3
 Mountaintop@EPA
 cc:
 dchannel78@netscape.net
 09/25/03 08:27 PM
 Subject: reg3/mtntop

09/25/03

I was born and raised in West Virginia. As a native of WV, I am fully aware of the wrong that was done to our mountains and streams. All you have to do is look around to the different areas and you will find the scars to our land and pollution to our clear water mountain streams that still remains after years of healing.

Again, we are faced with shortsighted government officials, so eager

to please big business with quick and easy access to our natural resources that they will sell out our state and its people.

The continued destruction of our state must stop. Mountain Top Removal Mining must be halted and laws enacted to ban all such procedures immediately. Certainly, there is no need to conduct a three-year study for the "raping of our land" by Officials from other States.

My Dad spent his lifetime mining coal. I grew up from boyhood in different mining towns and I know there are ways to mine coal without such a huge environmental impact.

West Virginians have already a history of living among the debris abandoned by "fly by night Companies" that were sanctioned by poor laws enacted for "special interest" by local government.

It is time for all government officials that are associated with any entity of the EPA to live up to their name--Environmental Protection Agency. Let's keep West Virginia beautiful and do what is right for the people of West Virginia.

Sincerely,
 Dorsey Channel
 dchannel78@netscape.net

McAfee VirusScan Online from the Netscape Network.
 Comprehensive protection for your entire computer. Get your free trial today!
<http://channels.netscape.com/ns/computing/mcafee/index.jsp?promo=393397>

Get AOL Instant Messenger 5.1 free of charge. Download Now!
<http://aim.aol.com/aimnew/Aim/register.asp?promo=380455>

REC'D JAN 26 2004

7018 Green Vista Ct.
 West Hills, CA 91307
 Jan 20, 2004

Dear Mr. Forren,

Current plans to let coal companies destroy Appalachia with mining practices that level mountain tops is unacceptable. This wipes out forests, streams in the valley below. This is a real disgrace. Do we really want to destroy our planet for the minigton dollar. We must protect our planet for our children, grand children and beyond.

I implore you fight against this atrocious damage to our planet.

Sincerely yours.

John W. Chase
 John W. Chase

1-9

1-9

REC'D JAN 26 2004

7018 Green Vista Circle
West Hills, CA 91307
Jan 21, 2004

Mr. John Forren
U.S. EPA (3ES30)
1650 Arch St.
Philadelphia, PA 19103

Dear Mr. Forren:

How can we prevent the irreparable harm being
done to our environment by the Bush administration?
I write at this time in support of the EIS study
which indicates the serious harm that can occur by
not heeding their concerns.

Thank you

Sincerely,
T.J. Chase

T.J. Chase
7018 Green Vista Cir
West Hills CA 91307

1-9

REC'D AUG.

416 Logan Street
Frankfort, KY 40601
August 23, 2003

John Forren
U.S. EPA (3ES30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

I am writing against the recommendations in the U.S. government's EIS report on mountaintop removal for the mining of coal. The report itself documents the great destructiveness of this practice for water quality and forest ecosystems, but none of the three alternatives that it proposes will reverse this destruction. Instead, they weaken existing regulations, including the important stream buffer zone. The recommendations can only serve the short-term interest of the coal industry: not the immediate and long-term needs of the people of Appalachia for clean water, sustainable jobs, sustainable development and secure homes.

1-5

For administrators far removed from the mining, this issue may appear abstract. I live a few blocks from the Kentucky River, which flows brown from erosion from destructive mining practices at its headwaters, while the people of Appalachia see their land literally blasted away beneath them. Appalachia has the potential for becoming a national center for tourism and wilderness recreation, but this possibility is being stolen from us and all future generations.

1-9

I urge the E.P.A. to reject the EIS recommendations as a contradiction to the evidence gathered by its own reports.

Sincerely,

Louise Chawla

Louise Chawla

"REC'D AUG 28 2005

Lexington Herald Leader

I was appalled to read that the environmental agency is now considering mountain top removal (strip mining) for coal.

Our country is coming apart at the seams now. Why add insult to injury!

Do those in power realize what the consequences are, not only now but also for years to come to our mountains and the folks that live in those areas.

Homes are destroyed by mud slides and flooding time after time. Nature took care of the problems of erosion and disasters until the strip mining was done several years ago. It is taking years to recover and repair what was lost then.

It will not help the economy for the ones that need the help but only line the pockets of the big corporations.

Our roads, railroads, education and energy are being neglected, as is everything else in our own country. We know where the funds are going but isn't it time we took care of our own?

I am disappointed in our representatives for not making our state a priory and put party lines on the back burner for just a little while. Kentucky people have elected them and their loyalties should be to them.

We citizens must open our eyes and see the havoc that is upon us. Our country we once knew is slipping away!

We are Americans.

We have shown strength before.

Let us speak out and get involved!

Katherine M. Green

Copy to:

John Forren

U.S. EPA (3E530)

1650 Arch Street

Philadelphia, Pa. 19103

Rep. Ernest Fletcher

U.S. House of Representatives

Washington, DC 20515

Pres. George Bush

The White House

1600 Pennsylvania Ave.

Washington, DC 20500

DeliveredDate: 01/20/2004 11:29:57 AM

As a citizen of Kentucky, where the beauty of our Appalachians are being destroyed by mountain top removal, I am writing to urge the EPA to heed the warnings in its own EIS report regarding the extreme environmental damage done by this method of mining, and to ban rather than encourage mountain top removal. I am also writing to urge the protection of our waterways by keeping the buffer zone rule along streams.

1-9

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To enrich a few mining corporation owners, the immediate quality of life in Appalachia and its long-term economic and cultural resources are being sacrificed by mountain top removal.

Louise Chawla

416 Logan Street

Frankfort, KY 40601

Robert Cherry

City: Boone

State: NC

Letter Date: 1/11/2004

Zip: 28607-5313

I am writing to you to express my opposition to any changes in regulations that would weaken environmental protection from mountaintop mining. I reviewed the DEIS on your website and find that none of the Alternatives provide adequate protection to the people who live nearby who would be affected by these activities and no alternative would provide sufficient protection to the impacted biological resources. I am concerned that the emphasis of the DEIS appears to be to continue mountaintop removals without seriously considering its impacts. Filling valleys will alter streamflows and will endanger those who live downstream with increased risk of flooding. Ground water is likely to be contaminated from mining activities and water sources are less secure. People who live in the area need better protection than is provided by the alternatives in this DEIS. As an aquatic biologist this DEIS glosses over problems to our aquatic resources that result from spoils being dumped into and filling entire watersheds. The nature of the soils cause long-term and long-distant negative impacts on aquatic fauna. I don't feel that your DEIS adequately considers endangered species. References that minimize impacts to wildlife do not adequately differentiate between common fauna and T&E species. While some animals may benefit from conversion of forested mountaintops to level grasslands these species typically are not species that are rare and in need of protection. I am concerned about the lack of buffer strips from the preferred alternative. Many studies have shown that loss of streamside buffers have significant environmental impacts. These impacts include increased sedimentation, increased water temperatures, altered stream flows and loss of wildlife habitat. Please add an alternative that adequately addresses the biological impacts of mountaintop removal. None of the alternatives that are presented in the DEIS does this and are therefore inadequate. Thank you for your attention to this matter.

1-5

6-6-2

Mr. John Farren
U.S. EPA (3EA30)
1650 Arch St.
Philadelphia, Pa 19103

REC'D DEC 29 2003

12-22-03

RE: Mountaintop Strips Mining

Dear Sir:

Mountaintop strips mining is somewhat different than strips mining as I knew it in the 30's in southern Illinois coal mining regions.

Whether you blast the earth away or dig it up in deep trenches (pits) the results are the same - devastating to the countryside. The mining operators left the land scarred and fit for nothing.

The pits filled with rain water and became brackish and became a deadly attraction for both young and older swimmers alike -- many drowned.

I urge you to reconsider the practice of mtn. top strip mining and the fouling of the earth, streams and surrounding countryside. Do not weaken environmental protections (EIS) for the benefit of these mining operators and their profits. They will continue their "earth fouling" operations as long as they are allowed to - the public "be-damned". Do something before time runs out Jan. 6, 2004.

Aiding the environment is the reason for EPA's existence. Justify it!

cc: American Rivers
Washington, D.C.

Arthur H. Childers
1032 W. Southcliff St.
San Dimas, Ca. 91773

1-9

1-10

----- Forwarded by David Rider/R3/USEPA/US on 12/11/2003 04:40 PM -----

MountainTop@EPA Susan AR Cho
 <pantherapardus4@planet-
 save.com> To: R3
 cc:
 Subject: 21212
 Stop MountainTop Mining
 11/23/2003 07:42 PM

November 23, 2003

John Forren, Environmental Protection Agency
 U.S. EPA (3EASD)
 1650 Arch Street
 Philadelphia, PA 19103

Dear Mr. Forren,

I am opposed to the alternatives evaluated in your May 29, 2003 draft Environmental Impact Statement (EIS).

There is a plethora of evidence of the serious, irreversible environmental harm caused by mountaintop mining. Yet I see no action being taken to minimize that harm.

Some of the steps outlined even go in the wrong direction, such as eliminating the Surface Mining Control and Reclamation Act's buffer zone rule.

Please find options that will minimize the enormous environmental and economic damage caused by mountaintop mining and valley fills.

Thank you for your consideration.

Sincerely,

Susan AR Cho
 310 Gittings Ave, 2nd flr
 Baltimore, MD 21212-2524
 USA
 pantherapardus4@planet-save.com

1-5

----- Forwarded by John Forren/R3/USEPA/US on 12/15/2003 10:26 AM -----

MountainTop@EPA Martin Christ
 <mchrist@labs.net> To: John
 cc:
 Subject: Mountain Top
 Removal
 12/15/2003 10:20
 AM

Dear Mr. Forren,

I am writing to oppose the proposal to change the stream buffer zone rule that prohibits mining activity within 100 feet of streams. This rule should be strictly enforced for valley fills and in all other cases.

I further urge that the EPA reexamine its original mission, and enforce laws that prevent the burial of streams and the filling of hollows.

Martin Christ
 RR 1 Box 230A
 Independence, WV 26374
 mchrist@labs.net

1-10

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

"pianomanjerry@aol.com"
To: R3 Mountaintop@EPA
cc: <pianomanjerry@ao
Subject: Please Stop Destructive Mountaintop

Removal Mining

01/06/2004 08:21
PM

Dear Mr. John Forren, Project Manager,

I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. If this legislation passes it will destroy much of the local environment, several people will be forced out of their homes and stripped of the resources they depend on to survive. 1,200 miles of streams and hundreds of miles of forests and mountains have been destroyed. I know that this as well as several other policies of the Bush administration are appeasing campaign contributors and corporate criminals did somebody say special interest. Hasn't the Bush administration caused enough senseless destruction in Iraq? I guess not.

Jerry Ciolino
1240 Siggson Ave
Escondido, CA 92027
pianomanjerry@aol.com

1-9

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

"matt@occasionsdjs.com" <matt@occasionsdjs.com>
To: R3 Mountaintop@EPA
cc: 01/06/2004 12:27
Subject: Please Stop Destructive Mountaintop Removal

Mining

PM

Dear Mr. John Forren, Project Manager,

Please amend the EPA's draft environmental impact statement concerning mountaintop removal mining. I will hope the Bush administration accountable for the vast destruction of the environment and communities along the Appalachian Mountains.

The permanent destruction of the environment from mountaintop removal mining must be stopped.

Sincerely,

Matthew Cleveland
64 Beech Lane
Elizabethtown, PA 17022
matt@occasionsdjs.com

1-9

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:58 PM -----

"mbclingman@grdomi
nicans.org" To: R3 Mountaintop@EPA
<mbclingman cc:
Subject: Please Stop Destructive Mountaintop Removal Mining
01/06/2004 04:24
PM

DeliveredDate: 01/04/2004 03:41:04 PM

We are opposed to mountaintop removal. The short-term gain is not worth the certain
and potential environmental consequences.
John & Tammy Cline

1-9

Dear Mr. John Forren, Project Manager,

I am the Councilor for Mission and Advocacy of the Grand Rapids Dominican Sisters. We have had Sisters serving in Appalachia for many years and on their behalf I strongly urge you to amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities.

We would submit the following letter from the Catholic Conference of Kentucky concerning this matter as expressive of our own beliefs. Statement on Mountain Top Removal in Eastern Kentucky December 10, 2002

Dear Friends in Christ,

We write you on the occasion of your ecumenical gathering for a "Prayer on the Mountain" in Letcher County, Kentucky. Our other obligations prevent us from traveling to the mountains to be with you today, but we send our prayers of support and words of encouragement.

We know from people ministering in Appalachia and media reports about the environmental and human devastation caused by the abusive strip mine practice known as "mountain top removal." This practice can damage the foundations of homes and destroys the wells of people living in nearby communities. It dumps millions of tons of earth and rock into valleys ruining springs and head waters of creeks essential to the animal and plant life for miles downstream. It can destroy graveyards and home places and alters communities revered by generations of families who trace their ties to that land. We understand that McRoberts itself has suffered five devastating floods in 18 months, and many other areas of Appalachia have faced similar destruction.

As we reflect on Sacred Scripture we believe that the care of creation represents a spiritual act. We remember that God finished the work of creation and "found it very good" (Gen. 1:31.) Then God put humanity in the Garden of Eden, a symbol of the whole world, "to cultivate and care for it" (Gen. 2:15.) Creation reflects the beauty of God and humanity becomes a co-gardener with God.

1-9

In addition, since the world belongs to all, decisions about the world's use must be determined by a concern for the common good of the whole human family. Pope John Paul II joining his voice with a growing chorus of ethical people throughout the world proclaims the right to a safe environment must eventually be included in an updated U.N. Charter of Human Rights. That your "Prayer on a Mountain" takes place on December 10, International Human Rights Day, symbolically connects the respect for the earth with the protection of our human community.

We pray that society will produce its necessary goods and services without destroying God's gift of creation. Unfortunately, the practice of economics frequently exploits both the land and the workers in a rush for quick profits. Society must reject the false dichotomy of jobs versus the environment and creatively find ways allowing workers to earn their livelihoods while respecting creation. May God shed blessings on you as you pray for the restoration of creation and the uplift of your communities.

Yours in Christ Jesus,
Thomas C. Kelly, O.P., Archbishop of Louisville
John J. McRaith, Bishop of Owensboro
Roger J. Foys, Bishop of Covington
Reverend Robert J. Nieberding, Lexington Administrator

Joining my brothers I would urge you to drop plans to make it easier for mining companies to engage in mountaintop removal and to instead limit the harmful effects of this devastating practice.

Sincerely,
Sister Mary Brigid Clingman OP
Dominican Sisters, Grand Rapids MI

Sister Mary Brigid Clingman OP
2025 E. Fulton
Grand Rapids, MI 49503-3895
mbclingman@grdominicans.org

REC'D DEC 29 2003

December 23, 2003

Mr. John Forren
Region 3
U. S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

REF: Draft Mountaintop Mining Environmental Impact Statement


Dear Mr. Forren:

I'm writing as a professional environmental scientist, who grew up in West Virginia, and a former employee of the U. S. Bureau of Mines (now defunct) who has seen mountaintop mining first hand and therefore knows the devastation of the environment they represent. As a result, I am deeply concerned regarding Bush administration plans to continue to let coal companies negatively impact and possibly destroy Appalachia with mining practices that level mountaintops, wipe out forests and bury streams in the valleys below.

As I understand it, the draft Environmental Impact Statement (EIS) clearly indicates the environmental effects of mountaintop removal coal mining are devastating and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams; no limits on the number of acres of forest that can be destroyed; no safeguards for imperiled wildlife; and no safeguards for the communities that depend on the region's natural resources.

Remarkably, it appears the draft EIS states preferred alternative for addressing the enormous problems caused by mountaintop removal coal mining is to weaken existing environmental protections. The draft EIS proposes streamlining the permitting process, allowing mountaintop removal and associated valley fills to continue at an accelerated rate. The draft EIS also suggests doing away with a surface mining rule that makes it illegal for mining activities to disturb areas within 100 feet of streams unless it can be proven that streams will not be harmed.

Instead of allowing mountaintop removal to continue unabated and even get worse, I strongly urge you to finalize the EIS by selecting alternative(s) which clearly and effectively reduces the environmental impacts of mountaintop removal and which requires implementation of those measures needed to protect natural resources and communities in Appalachia. In particular, I urge you to select an alternative(s) which provide for restrictions on the size of valley fills in order to reduce stream and forest loss. These alternatives must be evaluated for individual projects as well as regionally so that the cumulative impact of the destruction caused by mountaintop removal is addressed.

Sincerely,

Jerry L. Coalgate
6588 Medinah Lane
Alexandria, Virginia 22312

1-5

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----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 03:54 PM -----

mbcole@crssa.rutgers.edu
To: R3 Mountaintop@EPA
cc:
01/06/2004 04:07 PM
Subject: Mountaintop Coal Mining - Draft EIS

Project Manager John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Project Manager Forren,

I have a master's degree in Forest Science from Yale University and a PhD in Ecology from Rutgers University. For many reasons, I find mountaintop coal mining objectionable. The method destroys the local, native, endemic habitat of the actual mountaintop. This loss alone deprives us forever of the high elevation, and often relict ecological community. But, as there is no place to go from a mountain but downhill, it also has devastating effects far downstream on water quality, habitat quality, and quality of life for the people living in the former shadows of the mountain.

I have colleagues who have studied the ecological effects of mountaintop coal mining in Appalachia. The take home message from our current knowledge in ecology and the emerging applied subdiscipline of restoration ecology is that mountaintop coal mining is ecologically extremely harsh and that we cannot return such a site to predisturbance conditions. It eliminates headwater streams, which are sometimes ephemeral and intermittent (ecologically critical!), essential habitat for numerous invertebrates and their ecological communities. We cannot thoroughly restore these sites to have the same physical, chemical, biological, ecological and functional qualities to pre-mining.

According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

Remarkably, the Bush administration's "preferred alternative" for addressing the enormous problems caused by mountaintop removal coal mining is to weaken existing environmental protections. The draft EIS proposes streamlining the permitting process, allowing mountaintop removal and associated valley fills to continue at an accelerated rate. The draft EIS also suggests doing away with a surface mining rule that makes it illegal for mining activities to disturb areas within 100 feet of streams unless it can be proven that streams will not be

harmful. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal
- direct impacts to streams would be greatly lessened by reducing the size of the valley fills where mining wastes are dumped on top of streams

- the total of past, present and estimated future forest losses is 1.4 million acres

- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species

- even if hardwood forests can be reestablished in mined areas, which is unproven and unlikely, there will be a drastically different ecosystem from pre-mining forest conditions for generations, if not thousands of years

- without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining

The Bush administration's "preferred alternative" ignores these and hundreds of other scientific facts contained in the EIS studies. In light of these facts, the Bush administration must consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities.

Thank you for your time.

Sincerely,

Marlene Cole
258 Massachusetts Ave
#4
Arlington, Massachusetts 02474

cc:
Senator Edward Kennedy
Senator John Kerry
President George W. Bush
Vice President Richard Cheney
Representative Edward Markey

1-9

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Delivered Date: 01/06/2004 11:59:45 AM

As a resident of the mountains in Eastern Kentucky, I am writing to express my anger and frustration with the way the EPA under the Bush administration has handled this issue. I oppose all mountain top removal and stream fills because of their impact on the lives of residents in the area and because of the negative impact on the region in terms of the "tourist attraction value" of our region. We are working with our Congressman Hal Rogers to both clean up the trash in the area through his Project Pride Program and to attract visitors through the Southern and Eastern Kentucky Tourism Development Association--also a project of our Congressman. No one wants to live in an area torn up by bulldozers with filled in streams and ruined water supplies--who would want to visit there?!

Sincerely--Marian Colette, Box 3, Emlyn, Kentucky 40730

1-9

11-7-2

----- Forwarded by David Rider/R3/USEPA/US on 11/20/2003 02:57 PM -----

Michael Compton
<luxilus@hotmail.com>
To: R3
cc:
Subject: Save Streams
from Mountaintop Mining
11/19/2003 11:52 AM

November 18, 2003

John Porren, Environmental Protection Agency
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Porren,

How does the EPA expect to uphold the Clean Water Act if mountain top removal (MTR) and "hollow filling" are allowed to continue? The disturbance of the land creates irretrievable stream systems because the sulfate levels are unnaturally high. This means, conductivity levels are excessive and the aquatic communities, fish and macroinvertebrates, are severely altered/impaired resulting in streams that do not meet their aquatic-life-uses. Because of this, MTR is a crime against the Clean Water Act. FYI: the issue of high conductivity levels needs to be brought to the public's attention and everybody needs to realize aquatic communities are altered when levels reach a certain threshold and the activities of MTR automatically increase conductivity levels once the geology is disturbed. Use this information to write a more appropriate response to the EPA.

I am opposed to any changes that would weaken the laws and regulations that protect our rivers and streams from the effects of mountaintop mining and valley

5-5-1

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fills. As a result, I am opposed to each of the alternatives evaluated in your May 29, 2003 draft Environmental Impact Statement (EIS).

Your draft EIS contains indisputable evidence of the devastating and irreversible environmental harm caused by mountaintop mining. Other agency studies also show that mountaintop mining contributes to flooding disasters in mountain communities. Unfortunately, each of the alternatives in the draft EIS ignores the findings of these studies and the very purpose of the EIS- to find ways to minimize, to the maximum extent practical, the environmental consequences of mountaintop mining. The draft EIS does not examine a single alternative that would reduce those impacts.

Worse, your "preferred alternative" would clearly increase the damage from mountaintop mining by eliminating the Surface Mining Control and Reclamation Act's buffer zone rule that prohibits mining activities that disturb any area within 100 feet of larger streams, eliminating the current limit on using nationwide permits to approve valley fills in West Virginia that are larger than 250 acres, and giving the Office of Surface Mining a significant new role in Clean Water Act permitting for mountaintop mining (a role it does not have under current law).

Our environmental laws require, and the citizens of the region deserve, a full evaluation of ways to reduce the unacceptable impacts of mountaintop mining. I urge you to abandon your "preferred alternative" and to reevaluate a full range of options that will minimize the enormous environmental and economic damage caused by mountaintop mining and valley fills.

Thank you for your consideration.

Sincerely,

Michael Compton
2640 Cashel Ct
Lexington, KY 40503-1486
USA
luxilus@hotmail.com

1-5

4-2

----- Forwarded by David Rider/R3/USEPA/US on 01/08/2004 01:59 PM -----

ConroyHS@aol.com

To: R3 Mountaintop@EPA

12/22/2003 06:18 cc:

AM

Subject: Comments on draft programmatic EIS on mountaintop removal coal mining

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

Can we look ahead, to a time when our current practices will hurt our childrens future?
I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities.
We are not all "environmental nuts." Mainsteam America is seeing the damage and will take action with votes.

Sincerely,

James Conroy
322 Madison Ct.
Brick, New Jersey 08724

cc:
Senator Frank Lautenberg
Representative Christopher Smith
Senator Jon Corzine

1-9

----- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:42 PM -----

gilletlb@northnet
 .org To: R3 Mountaintop@EPA
 cc:
 01/01/2004 09:26 Subject: mountain top removal for coal mining
 AM
 Please respond to
 gilletlb

Aug 15, 2003

Mr. John Forren
 U.S. Environmental Protection Agency (3ES30)
 1650 Arch Street
 Philadelphia, PA 19103

Dear Mr. Forren:

As a resident of Lexington, in eastern Kentucky, I have watched the mountaintop removal controversy with great interest. It's hard to believe the scale of destruction that is going on with our beautiful mountains. I have met with coalfield residents many times, especially after the coal slurry disaster in Martin County, Kentucky, that was caused by mountaintop removal mining.

I have talked with people whose water wells have been destroyed, whose foundations have been cracked, who have had to sue coal companies for dust from preparation plants, whose children go to bed at night with their clothes on when it rains, for fear of flooding.

It seems to me we are destroying the future economy of the region. Clean water will be as important to future generations as oil is today. The water wars are coming, as has been predicted by Fortune and other business magazines. This is why we see multi-national conglomerate corporations like RWE, Vivendi, and Suez swallowing up American water companies like American Water Works of Vorhis, NJ. These big companies know that the potential profits are huge in the future for those with a monopoly on a reliable source of clean water.

We have clean water in abundance here in Appalachia, and it can be our future economic salvation. Or we can bury our mountain streams underneath mining waste, and contaminate our free-flowing Appalachian streams with blackwater spills and toxic runoff from mountaintop removal sites.

It's hard to believe that the Bush administration, which prides itself on being so industry-friendly, can be so short-sighted as to destroy, permanently, one of our greatest economic and natural resources: clean water. More than 1,200 miles of our headwater streams have been buried or destroyed by valley fills.

But that's only the beginning of the economic stupidity. Mountaintop removal also destroys valuable hardwood forests, and has already had a negative impact on the timber industry in West Virginia. Almost 7 percent of our forests have been - or will soon be - leveled by mountaintop removal. West Virginia Division of Forestry Director Bill Maxey quit his job in protest of mountaintop removal. That's jobs being lost!

Flooding in Appalachian communities is increasingly common and severe. Who pays? FEMA - i.e. the taxpayer! And homeowners' insurance goes up every time there is another disaster. The coal companies externalize their costs onto the public.

Sir:

This is one of the more miserable policies of an administration which is a miserable failure on every environmental policy it has put forward.

It should be subducted immediately, not 100my years from now.

A voter who always votes,
 Peggy Conroy
 West Chazy, NY

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It doesn't have to be this way. There are laws on the books to protect clean water, public safety and the environment. It is perfectly clear that mountaintop removal and valley fills are a violation of the federal Clean Water Act and the Surface Mining Control and Reclamation Act. These practices should be banned. The coal industry must not be allowed to destroy our homeland.

The draft Environmental Impact Statement on mountaintop removal and valley fills is a dangerous gift from the Bush administration to the coal industry. Instead of recommending ways to *stop* the destruction, the EIS proposes ways to make it easier for coal companies to level our mountains, bury our streams, and wreck our homeland. This is shameful and wrong.

I know first hand the terrible impacts of mountaintop removal and valley fills. I also believe we can build a better future for eastern Kentucky. We can have clean streams and a healthy forest and restore our quality of life. We can create good jobs for our people that don't wreck the environment. And we have to start down a different road now.

Take a stand. Enforce the law. Ban mountaintop removal and valley fills. Stop the coal industry from destroying everything that we value most. Start making choices that will benefit our children and yours.

Sincerely,


David S. Cooper
608 Allen Ct.
Lexington KY 40505

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----- Forwarded by David Rider/R3/USEPA/US on 01/09/2004 02:49 PM -----

davecooper928@yah
oo.com

To: R3 Mountaintop@EPA

cc:

12/31/2003 12:19

Subject: Comments on draft programmatic EIS on

mountaintop removal coal mining
PM

Mr. John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

In regard to the Environmental Impact Statement for mountaintop removal mining. I am strongly opposed to this form of mining. It destroys and contaminates the drinking water supply for millions of people downstream on the Ohio River, the Cumberland River and the Tennessee River with heavy metals and mining sediments.

It buries streams under tons of mining rubble, eliminating all forms of life in the stream.

Mt top removal (MTR) contributes to flash flooding which has killed 10 West Virginians in the past two years, and destroyed 4,000 homes and nearly wiped out several communities.

MTR has a very strong adverse impact on the communities, people, environment and wildlife of Appalachia. the scope of the devastation is practically unprecedented.

The forests that are obliterated are some of the most productive and biodiverse hardwood forests in the world (the mixed-mesophytic forests of Appalachia). When the coal companies are done with their reclamation, all that is left is a grassy filed- a biological desert.

I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams, and destroy communities.

According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of mountaintop removal are widespread, devastating, and permanent. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife, and no safeguards for the communities of people that depend on the region's natural resources for themselves and future generations.

Remarkably, the Bush administration's "preferred alternative" for addressing the enormous problems caused by mountaintop removal coal mining is to weaken existing environmental

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protections. The draft EIS proposes streamlining the permitting process, allowing mountaintop removal and associated valley fills to continue at an accelerated rate. The draft EIS also suggests doing away with a surface mining rule that makes it illegal for mining activities to disturb areas within 100 feet of streams unless it can be proven that streams will not be harmed. This "preferred alternative" ignores the administration's own studies detailing the devastation caused by mountaintop removal coal mining, including:

- over 1200 miles of streams have been damaged or destroyed by mountaintop removal
- direct impacts to streams would be greatly lessened by reducing the size of the valley fills where mining wastes are dumped on top of streams
- the total of past, present and estimated future forest losses is 1.4 million acres
- forest losses in West Virginia have the potential of directly impacting as many as 244 vertebrate wildlife species
- even if hardwood forests can be reestablished in mined areas, which is unproven and unlikely, there will be a drastically different ecosystem from pre-mining forest conditions for generations, if not thousands of years
- without new limits on mountaintop removal, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal mining

The Bush administration's "preferred alternative" ignores these and hundreds of other scientific facts contained in the EIS studies. In light of these facts, the Bush administration must consider alternatives that reduce the environmental impacts of mountaintop removal and then implement measures to protect natural resources and communities in Appalachia, such as restrictions on the size of valley fills to reduce the destruction of streams, forests, wildlife and communities.

Sincerely,

David Cooper
608 Allen Ct
Lexington, Kentucky 40505

cc:
Senator Mitch McConnell
Senator Jim Bunning
Representative Ernie Fletcher

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6034 Richmond Highway, #804
Alexandria, VA 22303
September 11, 2003

John Forren
U.S. EPA (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Mr Forren:


I am writing concerning the Draft programmatic Environmental Impact Statement (EIS) on mountaintop coal mining in Appalachia.

I am very familiar with the area affected by the EIS, as my mother is from Kentucky and my father is from Tennessee. An appreciation for the beauty of the land, enjoyment of the wildlife, and respect for the culture of Appalachia are my parents' legacy to me. I spent two summers and numerous weekends in and around Salyersville, Kentucky during my college years as a member and president of the University of Dayton's Kennedy Appalachia program, providing support to children in the area. I saw first hand the effects of surface mining on the lives of the families—on the one hand it was a source of income if they were fortunate enough to hold one of the ever-decreasing jobs in mining, on the other hand their land and water was harmed by the runoff and spilloff from the mines.

The proposed actions allow mountaintop removal mining approaches which destroy forests and wildlife habitats; spoil waterways, resulting in contaminated water, clogged streams, and flooding; require blasting, which damages homes; and destroy the beauty of the mountain scenery, for which Appalachia is known. In addition, such approaches result in further decreases in jobs for an area already economically depressed.

History has repeatedly shown that mining companies have little, if any, respect for the people and environment of Appalachia. The rape of the land and the pillaging of the people and economy of the area have continued unabated for over a hundred years. Every step must be taken to reverse this history, and not make it easier to continue such practices.

Please stop mountaintop removal mining and work toward alternatives that maintain the Appalachian environment and heritage as well as build the economy of the region.

Respectfully,

Kennon R. Copeland

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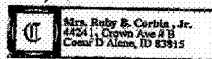
4424 B Crown Ave
 REC'D DEC 22 2003 Corbin D'Alene ID 83815
 12/18/2003

Mr John Forren:
 Please do not weaken environ-
 mental protection for the devastating
 practice of mountaintop mining.

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Thank you

Ruby B Corbin



Jennifer Cox
 20030 Weybridge #202
 Clinton Twp, MI 48036

January 12, 2004

REC'D JAN 22 2004

John Forren
 US EPA (3EA30)
 1650 Arch Street
 Philadelphia, PA 19103

Re: Mountaintop Removal Mining

Dear Forren:

I am writing to tell you that I oppose the Bush administration plans to continue to let coal companies destroy public health with mining practices that level mountaintops, wipe out forests and bury streams in the valleys below. According to the administration's draft Environmental Impact Statement (EIS) on mountaintop removal coal mining, the environmental effects of this practice are devastating and PERMANENT. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams; no limits on the number of acres of forest that can be destroyed; no safeguards for imperiled wildlife; and no safeguards for the communities that depend on the region's natural resources.

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Instead of allowing mountaintop removal to continue unabated and even increase, the Bush administration must consider alternatives that reduce the environmental and quality of life impacts of mountaintop removal and then implement those measures to protect natural resources and communities in Appalachia. Alternatives must be evaluated for individual projects as well as regionally so that the cumulative impact of the destruction caused by mountaintop removal is addressed.

10-4-2

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I encourage your attention to these efforts.

Thank you,

Jennifer Cox

Jennifer Cox

Forwarded by David Rider/R3/USEPA/US on 01/12/2004 02:47 PM -----

John Cox
<coyote1701@yahoo.com>
To: R3
Cc:
Subject: Strengthen
Mountaintop@EPA
draft EIS on mountaintop removal coal mining
01/05/2004 10:32
AM

January 5, 2004

Mr. John Forren
Project Manager
U.S. Environmental Protection Agency (3EA30)
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren,

I have lived and worked in eastern KY all my life and know firsthand the devastation that MTR causes to our community. My people are tired of being a region of sacrifice to big coal companies and others hellbent on continuing over a century of economic colonialism.

We demand as a people that you amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. I find it unconscionable that the Bush administration plans to continue to let coal companies destroy Appalachia with mining practices that level mountaintops, wipe out forests, bury streams and destroy communities. Yes, I've seen them. Cracked foundations, flooded communities, contaminated water supplies, impoundment spills, fragmentation of a globally outstanding and threatened ecosystem, and structurally and emotionally broken homes are the result of MTR. Don't believe me? Why don't you go visit these communities sometime and see for yourselves? Come see the wonderful drug-ridden, poverty-laden, ecologically degraded land that dependence on a single extractive industry economy has given us.

According to the draft EIS, the environmental effects of mountaintop removal are WIDESPREAD, DEVASTATING, and PERMANENT. Yet the draft EIS proposes no restrictions on the size of valley fills that bury streams, no limits on the number of acres of forest that can be destroyed, no protections for imperiled wildlife and no safeguards for the communities that depend on the region's natural resources for themselves and future generations. Instead, the Bush administration's "preferred alternative" for addressing the enormous problems caused by mountaintop removal mining ignores the administration's OWN studies and proposes weakening existing

environmental protections and allowing mountaintop removal and associated valley fills to continue at an accelerated rate.

The EPA must ban this devastating mining technique as per its stated impacts in the EIS. Otherwise, what the hell are you people being paid for? You should act on behalf of what you are supposed to protect.

The faith the American people have in the EPA has already been severely eroded during this administration. Removing global warming statements...loosening Clean Air and Water standards...and now this! Either step up to the plate and stand up to this corporate administration or place bags over your heads and remove yourselves from the position of natural resource stewards and public protectors, making sure to kiss Stephen Griles coal-dusted ass on the way out. And before you leave, go ahead and change your name to what it really is...the Energycompany Placation Agency!

Sincerely,

John Cox
1505 Auburn Ct.
Lexington, KY 40505
USA

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Mr. John Forren
US Environmental Protection Agency
1650 Arch St
Philadelphia, PA 19103

REC'D JAN 12 2004

I have lived in a state where Mountain Top Removal occurs. The coal industry promises flat, reclaimable land for industry and other uses. I have visited removal sites, both by foot and by plane. The promise of flat land is true and has been delivered in tremendous quantity. The promise of reclaimable is false. Only where the industry pours money into the site does reclamation appear to work. Where the coal industry does only what the law requires, it is obvious that reclamation is a failure and the rocky barrens remaining will only be reclaimed through time by nature.

Kentucky has been granted thousands of acres of flat land by the coal companies, but there has been NO influx of industry or jobs. Instead there seems to have been a decline in both.

The water quality in the hollows being filled to make flat land must be dismal because the life that should be in those streams is not there. Pollutants released by the breaking and rearranging of the rocks and silts from the dozing of the forests and soils fill the streams and ground water. Stream life and native Kentuckians suffer.

The people lose their land, their water, their pride in being mountain people, and any future hope of building tourist industries.

The rich get richer and the poor get poorer. Kentucky will be left with very little once the coal industry is through.

Please stop Mountain Top Removal now.

James Crabb

James Crabb
246 North Broadway
Lexington, KY 40507

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REC'D JAN 12 2004

Ryan Crehan
181 Main St
Ridgefield, CT
06871

Dear Mr. Forren,

I am writing in response to recent events in regard to the mountaintop removal EIS. As you know, mountaintop mining causes significant + irreversible environmental harm as stated in the EIS. Unfortunately, the preferred alternative allows massive environmental impacts to occur by weakening prescriptive regulations with only minimum economic impact. As an EPA official, I ask + expect you to uphold the highest standards for our environmental laws. Mountaintop mining is a serious + destructive practice that should be limited. Riparian areas need adequate buffers and improved regulations. Please do not weaken the very regulations you are expected to uphold.

Thank you

Ryan

I would appreciate your response to this letter

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Forwarded by David Rider/R3/USEPA/US on 08/28/03 05:06 PM -----

Kathy Cross
<KatJam123@msn.com> To: R3 Mountaintop@EPA
cc:
Subject:
08/28/03 03:30 PM

<?xml:namespace prefix="v" /><?xml:namespace prefix="o" />

Dear Mr. Forren,

I feel that the conclusions of the Environmental Impact Statement on mountaintop removal are totally at odds with the findings of the statement. The statement finds that mountaintop removal coal mining severely damages the watersheds it alters so significantly. Increased runoff and siltation are created, contributing to our recent bouts of flooding in West Virginia. The conclusion should not be to streamline the permitting process, it should be to stop mountaintop removal coal mining.

\Sincerely

Kathy Cross

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REC'D DEC 18 2003

DEC 10, 2003

DEAR MR. FORREN;

My husband and I have looked at the
DRAFT EIS ON MOUNTAINTOP REMOVAL. WE ARE
both still appalled at the CRIME OF THE
UTTER DESTRUCTION OF WEST VIRGINIA & OTHER
STATES MOUNTAINS & ECOSYSTEMS. How does
this require a study? It is so blatantly
WRONG! The coal industry needs to absolutely
stop this type of mining.

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Sincerely,
April & Jeff Crowe

APRIL & JEFF CROWE
HC-68
BOX 106
TROUT WV 24991

Juno e-mail for kate.cunningham@juno.com printed on Monday, December 29, 2003, 10:40 AM

From: kate.cunningham@juno.com
 To: mountainpp.3@epa.gov
 Cc: kate.cunningham@juno.com
 Date: Mon, 29 Dec 2003 10:20:06 -0500
 Subject: comment on "buffer zone" rule

REC'D JAN 02 2004

Mr. John Forren
 US EPA (3ES30)
 1650 Arch Street
 Philadelphia, PA 19103

Dear Sir:

Re: Proposal to eliminate required buffer zone, protecting streams from coal mining

I am aware that the US EPA has made a finding, in recent years, that the number one cause of stream degradation in Kentucky is siltation. Kentucky has more "coastline," including streambanks and lakesides, than any other state in the 48 states.

Mountain top removal coal mining has caused incalculable damage to streams in West Virginia and Kentucky. As a native Kentuckian, I must protest this proposal to eliminate the meager protection which we now have for our streams in the Eastern and Western coalfields of Kentucky. Pushing mountaintops over to fill in hollows and occlude stream sources is simply large scale "nest fouling" that has already come back to haunt us, with silted up streams, buried stream sources, potable water shortages, and attendant loss of wildlife and human habitat.

I am extremely disappointed that the US EPA, which should be a leader for the planet, is now considering the prospect of weakening, rather than strengthening, protections for clean water and the environment in general. Thank you for including my comments in the record.

Sincerely,
 Kate Cunningham, J. D.
 8606 Whipps Bend Road
 Louisville, KY 40222
 502 339-1381

Kate Cunningham

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1 of 1

THE OCEAN CONSERVANCY
 160 Guy St
 Elkins WV 26241-3927

January 4-04

Dear Mr. Forren,

I'm sure you've seen the consequences that come from Mt. Top Removal - I'm sure you understand all the problems that are a result too. Therefore I'm not spending alot of time telling you what you already know - My message to you & all those that have the power to make long term decisions that have a tremendous impact on all of us - Now & for a long time in the future - our children - We should consider our lasting effects before going ahead with such projects - Maybe even better stewards for the earth so we can enjoy its beauty for a long time to come -

Thank you,

Marilynn Cuonzo
 160 Guy St
 Elkins WV 26241

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--- Forwarded by David Rider/R3/USEPA/US on 01/07/2004 03:32 PM ---

"jannetnet@yahoo.
com" <jannetnet

To: R3 Mountaintop@EPA

cc:

01/06/2004 12:18

Subject: Please Stop Destructive Mountaintop

Removal Mining
PM

Dear Mr. John Forren, Project Manager,

Please amend the EPA's draft environmental impact statement so as to limit the effects of harmful mountaintop removal mining. This is an irretrievable step in the destruction of our country. It must be limited for all time for the good of our country, our people and God's green earth.

According to the draft EIS, the environmental effects of mountaintop removal are widespread, devastating and permanent. Yet the draft EIS proposes no restrictions. I urge you to immediately amend the draft EIS accordingly.

Sincerely,

Janet Dales
1341 Sixth Ave.
Belmont, CA 94002
jannetnet@yahoo.com

REC'D DEC 22 2003

Mick Daugherty
424 Market St.
Wheeling 26003

December 18, 2003

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Forren:

The West Virginia Highlands Conservancy Newsletter has informed me that you are accepting public commentary per Mountaintop Removal Mining and subsequent Valley Fill into rivers and streams.

I know that I cannot further inform you of the monstrous effects of the insanity of coal mining. My Father had his left arm torn off on a coal tibble in Glencoe, Ohio back in the twenties. My Uncle had been trapped five times and died of black lung. I have not worked in the coal industry, but I have travelled all over the coal fields and seen first hand the devastation caused by the timber industry and coal mining.

The stupidity, ignorance, arrogance and greed of the coal companies and their stockholders is beyond criminality. This once beautiful area is an industrial wasteland, a blighted disaster. If something isn't done to stop this perversion, there will be nothing left but a barren landscape, fit only for more ugly housing developments and more rural sprawl.

Perhaps you have record of my Email(s) to you from rural, Northwest Arkansas, where I own 60 acres of land. I will not allow loggers on my land. I have a hand-built cottage and barn there, which takes up about an acre; the rest of the land is for flora and fauna. There are too many of us, we've got too much, too many want more of what they've got too much of now, and we live too long. I'm 71 years old and it looks like Medical Science will keep me going for a while. I try to be a decent person and not acquire more than I need.

For the record, I'm an ex-GI (navy: Korea) opposed to war, and I have a MA from UCLA. I'm a playwright and work in live Theatre. In the past, I did pretty well in Hollywood and NYC, but I can't take the craziness, the hype, the hustle, the hassle; too many people.

PLEASE! do everything you can to stop mountaintop destruction and all that results from it: erosion, pollution and devastation of the wildlife--what little beauty there is left in this ravaged area.

Thank you and best wishes for the Season.

Sincerely,

Mick Daugherty

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